



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXII] FRIDAY, DECEMBER 31, 2021 / PAUSHA 10, 1943

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-A

**Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Central Acts**

LABOUR, SKILL DEVELOPMENT AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 30th December, 2021

Occupational Safety, Health and Working Conditions Code, 2020.

No. GHR/2021/154/ FAC/142021/68396/M3:- The following draft of rules which is proposed to be issued under section 133 read with section 135 of the Occupational safety, Health and Working Conditions Code, 2020 (37 of 2020) read with section 24 of the General Clauses Act, 1897 (10 of 1897) and in supersession of the-

- (i) Gujarat Factories Rules, 1963;
- (ii) Gujarat Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2003;
- (iii) Gujarat Motor Transport Workers Rules, 1965;
- (iv) Beedi and Cigar Workers (Conditions of Employment) (Gujarat) Rules, 1968;
- (v) Contract Labour (Regulation and Abolition) (Gujarat) Rules, 1972; and
- (vi) Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Gujarat) Rules, 1981

made by the Government of Gujarat in exercise of the powers conferred by the Factories Act, 1948 (63 of 1948), the Motor Transport Workers Act, 1961 (27 of 1961), the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (32 of 1966), Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1996 (27 of 1996) as the case may be, which are repealed by section 143 of the Occupational Safety, Health and Working Condition Code, 2020, are hereby notified as required by sub-section (1) of section 133 and sub-section (1) of section 135 of the aforesaid Act, for information of all the persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken in to consideration by the Government of Gujarat on or after the expiry of forty-five days from the date of its publication in the *Official Gazette*.

Any objection or suggestion which may be received by the Deputy Secretary to Government of Gujarat, Labour, Skill Development and Employment Department, 5th Block, 6th Floor, Sachivalaya, Gandhinagar or by email **ds-labour-led@gujarat.gov.in** from any person with respect to the said draft rules on or before the expiry of the aforesaid period will be considered by the Government.

DRAFT NOTIFICATION**Occupational Safety, Health and Working Conditions Code, 2020.**

No. GHR/2021/154/FAC/142021/68396/M3:- In exercise of the powers conferred by section 133 and section 135 of the Occupational Safety, Health and Working Condition Code, 2020 (37 of 2020) read with section 24 of the General clauses Act, 1897 (10 of 1897) and in supersession of the Gujarat Factories Rule, 1963; the Gujarat Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2003; the Gujarat Motor Transport Workers Rules, 1965; Beedi and Cigar Workers (Conditions of Employment) (Gujarat) Rules, 1968; the Contract Labour (Regulation and Abolition) (Gujarat) Rules, 1972; the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service)(Gujarat) Rules, 1981, the Government of Gujarat hereby makes the following rules, namely:-

CHAPTER-I**PRELIMINARY****1. Short title, extent, application and commencement.-**

- (1) These rules may be called as the Gujarat Occupational Safety, Health and Working Conditions Rules, 2021.
- (2) They shall extend to the whole State of the Gujarat.
- (3) They shall apply to all Factories / Establishment / Building or other construction work relating to any establishment in relation to which appropriate Government is the State Government under the Code.
- (4) They shall come into force from the date of their final publication in the *Official Gazette*.

2. Definitions.-

- (1) In these rules, unless there is anything repugnant in the subject or context,-
 - (1) "access" or "egress" means passageways, corridors, stairs, platforms, ladders and any other means to be used by a building worker for normally entering or leaving the workplace or for escaping in case of danger;
 - (2) "approved" means approved in writing by the Chief Inspector-cum-Facilitator or the State Government
 - (3) "Appellate officer" means a person notified by the State Government and authorized for the purpose of sub-section (1) of section 4 of the Code.
 - (4) "Appellate authority" means Chief inspector cum facilitator appointed under sub-section (1) of section 34 by Government of Gujarat.
 - (5) 'Artificial humidification' means the introduction of moisture into the air of a room by any artificial means whatsoever except the unavoidable escape of steam or water vapour into the atmosphere directly due to a manufacturing process:

Provided that the 'introduction of air directly from outside through moistened mats or screens placed in opening at times when the temperature of the room is 80 degrees or more, shall not be deemed to be artificial humidification;
 - (6) "base plate" means a plate for distributing the load from a Standard in the case of metal scaffolds;
 - (7) "bay" in relation to scaffolds, means that portion of the scaffold between horizontal or vertical supports whether standards or supports from which the portion is suspended, are adjacent longitudinally;
 - (8) 'Belt' includes any driving strap or rope;
 - (9) 'Board' means the Board under section 17 of the Code;
 - (10) "brace" means a member incorporated diagonally in a scaffold for stability;
 - (11) "bulkhead" means an airtight structure separating the working chamber from free air or from another chamber under a lower pressure than the working pressure;
 - (12) "caisson" means an air and watertight chamber in which it is possible for person to work under air pressure greater than atmospheric pressure at sea level to excavate material below water level;

- (13) "Central rules" means the, "The Occupational Safety, Health and Working Conditions (Central) Rules, 2020;
- (14) "child" means a person who has not completed fourteen years of age;
- (15) "code" means the Occupational Safety, Health and Working Conditions Code, 2020;
- (16) "cofferdam" means a structure constructed entirely or in part below water level or below the level of the water level in the ground and intended to provide a place for work that is free of water;
- (17) "compressed air" means air mechanically raised to a pressure higher than atmospheric pressure at sea level;
- (18) "construction site" means any site at which any of the processes or operations, related to building or other construction work, are carried on;
- (19) "conveyor" means a mechanical device used in building or other construction work for transport of building material, articles, or packages or solid bulk from one point to another point;
- (20) "danger" means danger of accident or of injury or to health and life of building worker or any other person;
- (21) "Dangerous occurrence" means any dangerous occurrence specified in the schedule of rule 14 takes place in a factory;
- (22) "decanting" means the rapid decompression of persons in a man-lock to atmospheric pressure at sea level followed promptly by their recompression in a decant lock, where they are then decompressed according to the appropriate decompression table in accordance with approved decompression procedures;
- (23) 'Degree' (of temperature) means degrees on the Fahrenheit scale.
- (24) "demolition work" means the work incidental to or connected with the total or partial dismantling or razing of a building or a structure other than a building and includes the removing or dismantling of machines or other equipment;
- (25) "excavation" means the removal of earth, rock or other material in connection with construction or demolition work;
- (26) "false works" means the structural supports and bracing for formworks or forms;
- (27) "flashpoint" means the minimum liquid temperature at which a spark or flame causes an instantaneous flash in the vapour space above the liquid;
- (28) "forms" means prescribed under or annexed to this rule.;
- (29) "frame or modular scaffold" means a scaffold manufactured in such a way that the geometry of the scaffold is pre-determined and the relative spacing of the principal members are fixed;
- (30) 'Fume' includes gas or vapour.
- (31) "guardrail" means a horizontal rail secured to uprights and erected along the exposed sides of scaffolds, floor openings, runways and gangways to prevent persons from falling;
- (32) "hazardous substance" means any substance which due to its explosiveness, in flammability, radioactivity, toxic or corrosive properties, or other similar characteristics, may:
 - (i) cause injury; or
 - (ii) affect adversely the human system; or
 - (iii) cause loss of life or damage to property on work-environment, while handling, transporting or storing and classified as such under the national standards or in case such national standards do not exist to the generally accepted international standards;
- (33) "high pressure air" means air used to supply power to pneumatic tools and devices;
- (34) 'Health Officer' means the Municipal Health Officer, District Health Officer or such other official as may be appointed by the State Government in that behalf.

- (35) 'Hygrometer' means an accurate wet and dry-bulb hygrometer conforming to the prescribed condition as regards constructions and maintenance.
- (36) "independent tied scaffold" means a scaffold, the working platform of which is supported from the base by two or more rows of standards and which apart from the necessary ties stands completely free of the building;
- (37) 'Inspector-cum-Facilitator' means an officer notified under section 34 of the Code;
- (38) "ledger" means a member spanning horizontally and tying scaffolding longitudinally and which acts as a support for putlogs or transoms;
- (39) "Licensing Authority" means the licensing authority appointed by the State Government for purpose of these rules.
- (40) "lifting appliance" means a crane, hoist, derrick, winch, gin pole, sheer legs, jack, pulley block or other equipment used for lifting materials, objects or building worker;
- (41) "lifting gear" means ropes, chains, hooks, slings and other accessories of a "lifting appliance";
- (42) "lock attendant" means the person in charge of a man-lock or medical lock and who is immediately responsible for controlling the compression, recompression or decompression of persons in such locks;
- (43) "low pressure air" means air supplied to pressurize working chambers and man-locks and medical locks;
- (44) "magazine" means a place in which explosives are stored or kept, whether above or below ground;
- (45) 'Manager' means the person responsible to the occupier for the working of the factory for the purpose of the code.
- (46) "man lock" means any lock, other than a medical lock, used for the compression or decompression of persons entering or leaving a working chamber;
- (47) 'Maintained' means maintained in an efficient state, inefficient working order and in good repair.
- (48) "material hoist" means a power or manually operated and suspended platform or bucket operating in guide rails and used for raising or lowering material exclusively and operated and controlled from a point outside the conveyance;
- (49) "materials lock" means a chamber through which materials and equipment pass from one air pressure environment into another;
- (50) "medical lock" means a double compartment lock used for the therapeutic recompression and decompression of persons suffering from the ill-effects of decompression;
- (51) "Medical Officer" means a person appointed under section 42 of the Code by the Government of Gujarat for the purposes of this Code within such local limits or for such factory or class or description of factories as it may assign to them respectively;
- (52) "national standards" means standards as approved by Bureau of Indian Standards and in the absence of such standards of Bureau of Indian Standards, the standards approved by the Central Government for a specific purpose;
- (53) "outrigger" means a structure projecting beyond the facade of a building with the inner end being anchored and includes a cantilever or other support;
- (54) "plant or equipment" includes any plant, equipment, gear, machinery, apparatus or appliance, or any part thereof;
- (55) "pressure" means air pressure in bars above atmospheric pressure;
- (56) "pressure plant" means the pressure vessel along with its piping and other fittings operated at a pressure greater than the atmospheric pressure;

- (57) "putlog" means a horizontal member on which the board, plank or decking of a working platform are laid;
- (58) 'Qualified Nurse' means a person who possesses a qualification in nursing recognized under the Indian Nursing Council Act , 1947, and who is registered with the Gujarat Nursing Council, or a similar registered body of any other State in India.
- (59) "registering officer" means the registering officer appointed by the State Government for purpose of these rules;
- (60) "responsible person" means a person appointed by the employer to be responsible for the performance of specific duty or duties and who has sufficient knowledge and experience and the requisite authority for the proper performance of such duty or duties;
- (61) "reveal tie" means the assembly of a tie tube and fittings used for tightening a tube between two opposite surfaces;
- (62) "right angle coupler" means a coupler, other than a swivel or putlog coupler, used for connecting tubes at right angles;
- (63) "rock bolt" means a mechanical expansion bolt or a bolt used with cementitious or resin anchoring system which is set in drilled hole in the arch or wall of a tunnel to improve rock competency;
- (64) "roofing bracket" means a bracket used in sloped roof construction and having sharp points or other means for fastening to prevent slipping;
- (65) "safety screen" means an air and water tight diaphragm placed across the upper part of a compressed air tunnel between the face and bulkhead, in order to prevent flooding the crown of the tunnel between the safety screen and the bulkhead to provide a safe means of refuge and exit from a flooding or flooded tunnel;
- (66) "safe working load" in relation to an article of lifting gear or lifting appliances, means the load which is the maximum load that may be imposed on such article or appliance with safety in the normal working conditions as assessed and certified by a competent person;
- (67) "scaffold" means any temporarily provided structure on or from which building workers perform work in connection with building or other construction work to which these rules apply, and any temporarily provided structure which enables building workers to obtain access to or which enables materials to be taken to any place at which such work is performed, and includes any working platform, gangway, run, ladder or stepladder (other than a ladder or stepladder which does not form part of such structure) together with any guardrail, toe board or other safeguards and all fixings, but does not include lifting appliance or a lifting machine or a structure used merely to support such an appliance or such a machine or to support other plant or equipment;
- (68) "section" means a section of the Code;
- (69) "schedule" means a Schedule appended to these rules;
- (70) "segment" includes a cast iron or precast concrete segmented structure formed to the curvature of the tunnel cross-section and used to support the ground surrounding the tunnel;
- (71) "service shaft" means a shaft for the passage of building workers or materials to or from a tunnel under construction;
- (72) "shaft" means an excavation having a longitudinal axis at an angle greater than forty-five degrees from the horizontal –
 - (i) for the passage of building workers or materials to or from a tunnel or
 - (ii) leading to an existing tunnel;
- (73) "shield" means a movable frame which supports the working face of a tunnel and the ground immediately behind it and includes equipment designed to excavate and support the excavated areas in a tunnel;

- (74) "shoring" means the construction of a temporary structure to support temporarily an unsafe structure. These render lateral support to walls and are used under the following circumstances-
- (i) when a wall shows signs of bulging out due to bad workmanship;
 - (ii) when a wall cracks due to unequal settlement of foundation, and the cracked wall needs repair;
 - (iii) when an adjacent structure is to be dismantled;
 - (iv) when opening are to be made or enlarged in the wall;
- (75) "sole plate" means a member used to distribute the load from the base plate or the standard of wooden scaffolds to the supporting surface;
- (76) "sound or good construction" means construction conforming to the relevant National or State standard whichever is applicable or in case such National or State standards do not exist, to other generally accepted international engineering standards or code of practices;
- (77) "sound or good material" means materials of a quality conforming to the relevant national or state standards whichever is applicable or in case such national or state standards do not exist, to other generally accepted international engineering standards or code of practices;
- (78) "standard" in relation to bay in Rule 2(f) means a member used as a vertical support or column in the construction of scaffolds which transmits a load to the ground or to the solid construction;
- (79) "standard safe operating practices" means the practice followed in building and other construction activities for the safety and health of workers and safe operation of machineries and equipment used in such activities and such practices conforms to all or any of the following, namely –
- (i) relevant standards approved by Bureau of Indian Standards;
 - (ii) national building code;
 - (iii) manufacturer's instructions on safe use of equipment and machinery;
 - (iv) code of practice on safety and health in construction industry published by International Labour Organization and amended from time to time;
- (80) "State Advisory Board" means the State Occupational Safety and Health Advisory Board constituted under section 17 of the Code.
- (81) "steel rib" includes all steel beams and other structural members shaped to conform to the requirements of a particular tunnel cross section, used for the purpose of supporting and stabilizing the excavated areas;
- (82) "suspended scaffold" means a scaffold suspended by means of ropes or chains and capable of being raised or lowered but does not include a boatswain's chair or similar appliance;
- (83) "tie" means an assembly used to connect a scaffold to a rigid anchorage;
- (84) "toe board" means a member fastened above a working platform, access landing, access way, wheel barrow run, ramp or other platform to prevent building workers and materials falling there from;
- (85) "transom" means a member placed horizontally and used to tie transversely one ledge to another, or one standard to another in an independent tie scaffold;
- (86) "trestle scaffold" includes a scaffold in which the supports for the platform are any of the following, which are self-supporting, namely –
- (i) split heads;
 - (ii) folding;
 - (iii) step-ladder;
 - (iv) tripods;
 - (v) movable contrivances similar to any of the foregoing;

- (87) "tubular scaffold" means a scaffold constructed from tubes and couplers;
 - (88) "tunnel" means a subterranean passage made by excavating beneath the over burden into which a building worker enters or is required to enter to work;
 - (89) "underground" means any space within the confines of a shaft, tunnel, caisson or cofferdam;
 - (90) "vehicle" means a vehicle propelled or driven by mechanical or electrical power and includes a trailer, traction engine, tractor, road-building machine and transport equipment;
 - (91) "working chamber" means the part of the construction site where work in a compressed air environment is carried out, but does not include a man-lock or medical-lock;
 - (92) "working platform" means a platform which is used to support building workers or materials and includes a working stage;
 - (93) "working pressure" means pressure, in working chamber, to which building worker is exposed;
 - (94) "workplace" means all places where building workers are required to be present or to go for work and which are under the control of an employer;
 - (95) 'Workroom' means any place occupied by employees engaged in any manufacturing process, with or without the aid of power.
- (2) Words and expressions not defined in these rules but defined or used in the Code shall have the same meaning as assigned to them in the Code.

CHAPTER-II

Registration

under section 3 to 5

3. *Application for registration under section 3.-*

The employer/occupier seeking registration for an establishment/factory not already registered shall apply electronically in **Form 1** annexed to these rules, on the portal of Commissioner of Labour by giving details about the establishment/factory, and submitting/uploading documents related to Registration of the establishment/factory, proof of Identity and address of the employer(s) /occupier as specified in the Form. The Form shall be signed digitally or in any other manner as may be required. The applicant shall be responsible for veracity of all information submitted in the application.

4. *Grant of Certificate of registration for Factories/ building or other construction work/establishment. –*

- (1) The employer seeking registration for an establishment not already registered shall apply electronically in **Form 1** on Portal of the Commissioner of Labour by giving details about the establishment, and uploading documents related to Registration of the establishment, proof of Identity and address of the employer(s) as specified in the Form. The Form shall be signed digitally or in any other manner as may be required on the portal. The applicant shall be responsible for veracity of all information submitted in the application.
- (2) The Permanent Account Number (PAN) of the applicant or the establishment allotted under Income Tax Act, 1961 or any other unique number allotted to the establishment under any other Act for the time being in force or any other particular furnished in the form, may be verified online.
- (3) The certificate of registration shall be issued in **Form 2** electronically immediately if the application is complete in all respect **but not later than seven days** from the date of submission of complete application, failing which such establishment shall be deemed to have been registered and the certificate of registration shall be auto generated:

Provided that in exceptional circumstances the State Government may, for such period, by notification, dispense with requirement of electronic registration, in respect of establishment or class of establishment, for part or whole of India, and submission of application in the form so provided, may be allowed.

- (4) The certificate of registration shall be non-transferable and a copy of the certificate of registration shall be displayed in the premises of the establishment at the conspicuous place in hard copy or electronically.

- (5) The registering officer under the Code may direct the employer who fails to comply with the requirements of sub-rule (1), to do so within the time stated therein and such employer shall, thereupon comply with the instruction issued by the officer in this behalf.
- (6) The employer in respect of an establishment already registered under any other central labour law for the time being in force shall, update the registration particulars on Portal of the Commissioner of Labour, within six months from the date on which the Code comes into force.
- (7) Any registration obtained by providing wrong information shall be liable to be cancelled provided that establishment has been given an opportunity to show cause, electronically or by registered post, as to why the certificate of registration should not be cancelled.
- (8) The employer shall quote the Registration Number on all documents prepared or completed by him in connection with the Code or the Rules or the Regulations or the Scheme, as the case may be, and in all correspondence with the office concerned.
- (9) Any change in the ownership, management or any particular furnished in Registration Form submitted on the specified portal shall be updated on the portal by the employer within thirty days of such change.
- (10) The employer of an establishment to which the provisions of the Code apply and whose business activities are in process of closure, may apply for cancellation of registration online on Portal of the Commissioner of Labour after giving complete details of the dues payable under the Central Labour Codes:

Provided that no such application for cancellation of registration shall be entertained unless the employer has furnished all statutory returns, paid all statutory dues under the Central labour Codes and any other Central labour law in force in accordance with the law applicable for the time being and submitted a self-certification to that effect along with the application.

- (11) The registering officer shall maintain a register of establishment electronically in **Form 3** showing the particulars of establishment in relation to which certificates of registration have been issued by him.
- (12) The employer shall, within thirty days of the commencement and completion of any work, intimate to the Inspector-cum-Facilitator, having jurisdiction in the area where the proposed establishment or as the case may be, the work is to be executed, intimating the actual date of the commencement, completion of work and cessation of establishment, as the case may be, in **Form 4** annexed to these rules electronically and the same shall be auto-shared to EPFO and ESIC.

5. Fees.-

- (a) The fees to be paid through e-payment for the grant of a certificate of registration under rule 4 shall be as given below namely: - If the number of workers proposed to be employed in the factory/establishment on any day

Number of workers	Fees
Up to 49	Rs. 500
50 to 99	Rs. 1000
100 to 299	Rs. 5000
300 and above	Rs. 10000

- (b) Late fees: where an employer has not submitted his application for registration within 60 days as required under sub-section (1) of section 3, he shall submit the application for registration along with late fee as under:

Period of Delay	Percentage of Fees
Up to 30 days	5%
Up to 60 days	10%
Up to 90 days	15%
Above 90 days	1% everyday

6. Details of existing factory before the implementation of the code.-

Every employer of existing factory to which this code applies, and has already been registered under any Central Labour Law (i.e. The Factory Act, 1948, Contract Labour (Regulation and Abolition) Act, 1970, Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 or Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, EPF Act and ESIC Act, which applies to the factory which is in existence on the date of the commencement of this code, shall submit the particulars of factory in the Form 1 within 180 days. Such a factory shall not be required to pay any fees for registration.

7. Appeals. –

- (1) The employer/occupier aggrieved by the order of Registering Officer, may appeal against such order before the appellate officer appointed by the State Government for such purpose within thirty days from the date of receipt by him of such order.
- (2) The appeal shall be in the form of a memorandum and shall set forth concisely the grounds of objection to the order. A certified copy of the order appealed against shall accompany the appeal.
- (3) Where the memorandum of appeal is in order, the appellate officer shall admit the appeal, acknowledge it and intimate admission of such appeal, and shall register the appeal to be kept for the purpose called the register of appeals.
- (4)
 - (i) When the appeal has been admitted, under sub-rule (3), the appellate officer shall send the notice of the appeal to the registering officer, against whose order the appeal has been preferred and the registering officer shall thereupon send the records of the case to the appellate officer.
 - (ii) On receipt of the record, the appellate officer shall send a notice to the appellant to appear before him at such date and time as may be specified in the notice for the hearing of the appeal electronically or otherwise.
- (5) If on the date fixed for hearing, the appellant does not appear, the appellate officer may dismiss the appeal for default of appearance of the appellants by sending the copy of the order to the applicant.
- (6) Where an appeal has been dismissed, the appellant may apply to the appellate officer for the restoration of the appeal and if the appellate officer is satisfied that the appellant was prevented by sufficient cause from appearing, the appellate officer shall restore the appeal on its original number: Provided that an application for restoration under this rule shall not be entertained by the appellate officer after thirty days from the date of such dismissal.
- (7) If the appellant is present when the appeal is called on for the hearing, the appellate officer shall proceed to hear the appellant and pass an order on the appeal, confirming, reversing or varying the order appealed against.
- (8) The order of the Appellate Officer shall be communicated electronically or otherwise to the appellant and copy thereof shall be sent to the registering officer against whose order the appeal has been preferred and shall be disposed of within a period of thirty days from the date of receipt of appeal.

8. Notice of commencement and cessation of operation under section 5.- The employer of every establishment being factory or relating to contract labour or other construction works shall within thirty days of the commencement or cessation of operation, submit the Registering Officer in **Form 4**, electronically and the notice of cessation of operation shall be enclosed with a certificate that the payment of all dues to the workers employed in the establishment have been made and the premises are kept free from storage of hazardous chemicals and substance.

CHAPTER III**DUTIES OF EMPLOYER AND EMPLOYEES, ETC.****under section 6 to 15****9. Annual Health Examination under section 6 .-**

- (a) The occupier of factory/Employer of building or other construction work shall arrange to conduct free of cost, medical examination annually i.e. within 120 days from the commencement of the calendar year for every worker/employee who has completed 45 years of age. The medical examination shall be conducted by a qualified medical practitioner as per *pro forma* in the **Form 5**.

- (b) The Medical Certificate shall be submitted by the qualified medical practitioner to the employer and employee.

10. Appointment letter to employee under section 6(1)(f).-

No employee shall be employed in any factory/establishment unless he has been issued a letter of appointment in the prescribed format as appended to this rule:

Provided that, an employee who has not been issued an appointment letter containing the required particulars, shall be issued an appointment letter within three months of coming into force of this rule.

Format for Factories / building or other construction work/Establishments

1. Name of Employee:
2. Father's/Husband's Name:
3. Aadhar Number:
4. Labour Identification Number (LIN) of the Establishment:
5. Universal Account Number (UAN)/Insurance Number (ESIC):
6. Designation:
7. Category of Skill:
8. Date of Joining:
9. Wages, Basic Pay and Dearness Allowance:
10. Other Allowance including accommodation whichever is/are applicable:
11. Avenue for achieving higher wages/higher position:
12. Applicability of Social Security EPFO and ESIC benefits applicable:
13. Health Check-Up:
14. Broad Nature of Duties to be Performed:
15. Any Other Information:

Date:

Signature of
Employer/Owner/Manager/Authorised Person

Place:

Seal/Stamp of the Establishment

11. Notice of accidents and dangerous occurrences under sections 10(1) and 11).-

(A) For factories

- (1) When any accident which results in the death of any person or which results in such bodily injury to any person as is likely to cause his death, or serious bodily injury or any dangerous occurrence specified in the schedule annexed hereto takes place in a factory, the occupier or manager of the factory shall forthwith send a notice thereof by telephone and through messenger to the Inspector-cum Facilitator.
- (2) When any dangerous occurrence specified in the schedule annexed hereto, which results in such bodily injury to any person as is likely to cause his death, takes place in a factory, notice as mentioned in sub-rule (1) shall be sent also to:
 - (a) The officer in charge of the nearest police stations; and
 - (b) The family members /kin of the injured or deceased person.
- (3) Any notice given as required under sub-rules (1) and (2) shall be confirmed by the manager of the factory to the authorities mentioned in these sub-rules within 12 hours of the accident or the dangerous occurrence by sending them a written report in **Form-6 electronically** in the case of an accident or dangerous occurrence causing death or bodily injury to any person and in **Form 6-A electronically** in the case of a dangerous occurrence which has not resulted in any bodily injury to any person.

- (4) When any accident or dangerous occurrence specified in the schedule takes place in a factory and it causes such bodily injury to any person as prevents the injured person from working for a period of 48 hours or more following the accident or the dangerous occurrence, as the case may be, the manager of the factory shall send a report thereof to the Inspector-cum-Facilitator in such Form prescribed by the state government within 24 Hours after the expiry of 48 hours from the time of the accident or the dangerous occurrence. Provided that if in the case of an accident or dangerous occurrence, death occurs to any person injured by such accident or dangerous occurrence after the notices and reports referred to in the foregoing sub-rules 3 have been sent, the manager of the factory shall forth with send a notice thereof by telephone and electronically or by special messenger to the authorities and persons mentioned in sub-rules (1) and (2) and also have this information confirmed in writing within 12 hours of the death.

Provided further that, if the period of disability from working for 48 hours or more referred to in sub-rule (4) does not occur immediately following the accident, or the dangerous occurrence, but later, or occurs in more than one spell, the report referred to shall be sent to the Inspector-cum-Facilitator in the prescribed Form within 24 Hours following the hours when the actual total period of disability from working resulting from the accident or the dangerous occurrence becomes 48 hours.

SCHEDULE-I

The following classes of dangerous occurrences, whether or not they are attended by personal injury or disablement namely: -

- (i) Bursting of any plant or pipeline or equipment used for containing petroleum, steam, compressed air or other substance at a pressure greater than the atmospheric pressure.
- (ii) Collapse or failure of a crane, derrick, winch, hoist or other appliances used in raising or lowering persons or goods, or any part thereof, or the overturning of a crane.
- (iii) Explosion, explosion due to explosives, fire leakage or release of harmful toxic gases, bursting out. Leakage, or escape of any molten metal, or hot liquor or gas causes bodily injury to any person or damage to any room or place in which persons are employed or fire in rooms of cotton pressing factories, where a cotton opener is in use.
- (iv) Explosion of a receiver or, container used for the storage at a pressure greater than atmospheric pressure of any gas or gasses including air) or any liquid or solid resulting from the compression of gas.
- (v) Collapse or subsidence of any floor, gallery, roof, bridge, tunnel, chimney, wall, building or any structure.
- (vi) Spillage or leakage of hazardous substances and damage to their container.
- (vii) a major uncontrolled emission of petroleum or chemical spillage.

(B) For building or other construction work

- (1) Where at any place in an establishment which is building or other construction work, an accident occurs which results in the death of any person, the employer of the establishment shall forthwith send a notice thereof in **Form-7 electronically** annexed to these rules and inform within 12 hours of accident (not in the central rules) by telephone or e-mail or by any other manner to the Inspector-cum-Facilitator and Sub-divisional Officer, the officer-in-charge of the nearest police station and the family members /kin of the injured or deceased person.
- (2) Where at any place in an establishment which is building or other construction work an accident occurs which results in bodily injury by reason of which the person injured is prevented from working for a period of forty-eight hours or more immediately following the accident, the employer of the establishment shall forthwith send a notice in **Form-7 electronically annexed** to these rules, within twelve hours after the completion of forty-eight hours, to the Inspector-cum-Facilitator.
- (3) Where in an establishment there is any dangerous occurrence as specified in the **Schedule-I** appended to this rule, whether causing any bodily injury or disability or not, a notice in **Form-7 electronically annexed** to these rules, shall within twelve hours be sent to:
 - (a) The Inspector-cum-facilitator;
 - (b) District Magistrate or Sub-Divisional Officer:

Provided that if in the case of an accident or dangerous occurrence, death occurs to any person injured by such accident or dangerous occurrence after the notices and reports referred to in the sub-rules (1) and (2) of rule 11 (B) have been sent, the employer (or contractor only in the case of any building or other construction work for any government department) of the establishment shall forthwith send a notice thereof by telephone and electronically or by special messenger to the authorities and persons mentioned in sub-rules (1) and (2) of rule 11 (B) and also have this information confirmed in writing within 12 hours of the death.

Provided further that, if the period of disability from working for 48 hours or more referred to in sub-rule (2) of rule 11 (B) does not occur immediately following the accident, or the dangerous occurrence, but later, or occurs in more than one spell, the report referred to shall be sent to the Inspector-cum-Facilitator in the prescribed form within 24 Hours following the hours when the actual total period of disability from working resulting from the accident or the dangerous occurrence becomes 48 hours.

SCHEDULE – II

List of Dangerous Occurrences

The following classes of dangerous occurrences, whether or not they are attended by personal injury or disablement, namely: -

- (i) Bursting, of any plant or pipeline or equipment containing petroleum, steam, compressed air or other substance at a pressure greater than the atmospheric pressure;
- (ii) Collapse or failure of a crane, derrick, winch, hoist or other appliances used in raising or lowering persons or goods, or any part thereof, or the overturning of a crane;
- (iii) Explosion, explosion due to explosives, fire, leakage or release of harmful toxic gases, bursting out, leakage or escape of any molten metal, or hot liquid or gas causing bodily injury to any person or damage to any place in which persons are employed;
- (iv) Explosion of a receiver or container used for the storage at pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas;
- (v) Collapse or failure of lifting appliances or hoist or conveyors or other similar equipment for handling building or construction material or breakage or failure of rope, chain or loose gears; overturning of cranes used in building or other construction work; falling of objects or materials or persons from height;
- (vi) Collapse of any wall, floor, gallery, roof bridge, tunnel, chimney, wall, building or subsidence of soil or any other structure, platform, staging, scaffolding or any means of access including formwork; contact work, excavation and collapse of transmission;
- (vii) Spillage or leakage of hazardous substances and damage to their container;
- (viii) collapse, capsizing, toppling or collision of transport equipment within the establishment;
- (ix) fall from height of any excavation, loading or transport machinery;
- (x) an instantaneous failure of a pillar, part of a pillar or several pillars of coal (i.e., a bump) in working below ground;
- (xi) a rock-burst in working belowground; a premature collapse of any part of the working;
- (xii) a breakage, fracture or failure of an essential part of any machine or apparatus whereby the safety of persons may be endangered;
- (xiii) a slide causing injury to any person, damage to any machinery, or interruption of normal mining operations;
- (xiv) failure of dump or side in opencast working; a blowout;
- (xv) failure of any structure or installation whereby the safety of persons may be endangered; or spark generated due to electrical flash-over causing burn injury to any person;
- (xvi) a major uncontrolled emission of petroleum or chemical spillage.

12. *Notice of notifiable diseases under section 12.-*

(A) For Factories

Where any worker in a factory contracts any disease specified in the **Third Schedule** of the Code, the occupier or the manager of the factory shall send notice within seven days in **Form 8 electronically** to the Inspector-Cum-Facilitator of Factories.

(B) For Building or other construction work

- (1) A notice in the **Form 9 electronically** annexed to these rules, shall be sent forthwith electronically or by registered post or by e-mail or by special messenger in writing, to the Inspector-Cum Facilitator, by the employer
(or contractor only in the case of any building or other construction work for any government department) of an establishment in which there occurs any disease as notified under the Third Schedule of the Code.
- (2) If any qualified medical practitioner attends on a person who is or has been employed in an establishment and who is or is believed by the qualified medical practitioner to be suffering from any disease specified in the Third Schedule, the qualified medical practitioner shall without delay send a report in writing to the office of the Chief Inspector-cum facilitator stating-
 - (a) the name and full postal address of the patient,
 - (b) the disease from which he believes the patient to be suffering, and
 - (c) the name and address of the establishment in which the patient is or was last employed.

13. Duties of employee under clause (d) and (g) of section 13 .-

- (1) If an employee comes to know about any unsafe or unhealthy condition in the workplace, he shall report to the occupier/employer, health and safety representative or safety officer or manager in case of factories, as soon as practicable, electronically or in writing or telephonically and further the health and safety representative or safety officer or supervisor or manager shall also report the same to the occupier electronically or in writing as soon as practicable.
- (2) Every employee shall strictly adhere to the provisions of the Code and of the rules and regulations made thereunder and to any order or direction issued by the safety officer, health and safety representative or occupier or manager with a view to the safety or convenience of persons not being inconsistent with the Code, rules; nor shall he neglect or refuse to obey such orders or directions.
- (3) No employee shall interfere with, impede or obstruct any person in the discharge of his duties, nor shall he offer or render any service, or use any threat, to any other person with a view to preventing him from complying with the provisions of the Code and of the rules and regulations made thereunder or from performing his duties faithfully.
- (4) Every employee shall-
 - (a) Take reasonable care for their own safety and health and that of other persons who may be affected by their acts and omissions at work including the proper care and use of protective clothing, facilities and equipment placed at their disposal;
 - (b) Co-operate with the occupier/employer, to permit compliance with the duties and responsibilities placed on the occupier.
- (5) No employee shall, except with the authority of an official, remove or pass through any fence, barrier or gate, or remove or pass any danger signal.
- (6) No employee shall sleep while on duty.
- (7) Subject to the provisions of the code and of these rules and orders made thereunder, no employee shall remain in a factory beyond the period over which his shift extends.
- (8) No employee shall report in intoxicated condition or consume any intoxicating substance while on duty.

14. Rights of Employee under section 14(3).-

- (1) The occupier/employer on receipt of information from the employee/worker relating to the existence of an imminent danger to their safety and health, the occupier shall take immediate remedial action in this regard. The occupier/employer whether satisfied or not, shall send a report forthwith of such actions taken, to the Inspector cum Facilitator electronically or by registered post or speed post.
- (2) Every worker shall have the right to—
 - (a) obtain from the occupier/employer, information relating to workers' health and safety at work;

- (b) get trained annually within the factory wherever possible, or, to get himself sponsored by the occupier for getting trained at a training centre or institute, duly approved by the Chief Inspector cum facilitator of factory, where training is imparted for workers' health and safety at work;
- (c) represent to the Inspector cum facilitator directly or through his representative in the matter of inadequate provision for protection of his health or safety in the factory.

CHAPTER IV

State Occupational Safety and Health Advisory Board

15. State Occupational Safety and Health Advisory Board under section 17.-

- (1) The State Occupational, Safety and Health Advisory Board shall consist of: -
 - (i) Additional Chief Secretary /Principal Secretary/ Secretary Labour, Skill Development and Employment Department, Government of Gujarat - Chairman, *ex officio*.
 - (ii) Secretary, Health and Family Welfare Department, Government of Gujarat, *ex officio*
 - (iii) Chief Inspector-cum-Facilitator of Factories, Government of Gujarat – Member, *ex officio*
 - (iv) Commissioner/Director of Labour, Government of Gujarat -Member, *ex officio*.
 - (v) Secretary, Gujarat Labour Welfare Board- Member, *ex officio*
 - (vi) Member Secretary, Gujarat Pollution Control Board -Member, *ex officio*
 - (vii) Director, ESIS, Govt. of Gujarat - Member, *ex officio*
 - (viii) Five representative of employers shall be nominated by Government of Gujarat- Members
 - (ix) Five representative of employees shall be nominated by Government of Gujarat - Members
 - (x) Five eminent persons connected with field of Occupational Safety and health shall be nominated by Government of Gujarat- Members
 - (xi) Joint Secretary / Deputy Secretary Labour- Member Secretary, *ex officio*
 - (xii) Gujarat Real Estate Regulatory Authority, Gandhinagar – Member *ex officio*;
 - (xiii) a representative of professional body associated with the matter for which standards, rules, policies being framed – Member;
- (2) **Tenure of Board.** - The tenure of Board of members as referred in clause VIII, IX, X, XIII of sub rule (1) shall be three years.
- (3) Nomination of members and discharge of their functions shall be defined by the State Government at the time of nomination.
- (4) **Resignation.-**
 - (a) A member of the board, not being an ex officio member, may resign his office by a letter in writing addressed to the Chairperson of the Board.
 - (b) The seat of such a member shall fall vacant from the date on which his resignation is accepted by the state Government, or on the expiry of thirty days from the date of receipt of the letter of resignation by the State Government which is earlier.
 - (c) A member appointed to fill a casual vacancy, arising due to death, resignation or otherwise of the member shall hold office for the remaining period of the tenure of Board of the member in whose place he is appointed.
- (5) **Cessation of membership.-**

If any member of the board, not being an ex-officio member, fails to attend three consecutive meetings of the board, without obtaining the leave sanctioned by the Chairperson of such board for such absence, he shall cease to be a member of State:

Provided that the Government may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of Board.

(6) Disqualification for membership. -

A person shall be disqualified for being a member of the Board—

- (a) if he is of unsound mind and stands so declared by a competent authority;
- (b) if he is an un-discharged insolvent; or
- (c) if he has been convicted for an offence, having a penalty of imprisonment of three months or more;

(7) Removal from membership.-

The Government may remove any member of the Board, if in its opinion such member has ceased to represent the interest which he purports to represent on such Board:

Provided that no such member shall be removed unless a reasonable opportunity is given to him of making a presentation against the proposed action under this rule.

(8) Manner of Filling Vacancies.-

When a vacancy occurs or is likely to occur in the membership of the State Advisory Board, the Chairperson of State Advisory Board shall submit a report to the State Government and on receipt of such report, the State Government shall take steps to fill the vacancy by making an appointment from amongst the category of persons to which the person vacating membership belonged and the person so appointed shall hold office for the remainder of the term of office of the member in whose place he is appointed.

(9) Notice of Meeting and List of Business.-

- (a) Ordinarily, two weeks' notice shall be given to the members of the State Advisory Board of a proposed meeting:

Provided that, two weeks' notice shall not be necessary where, in the opinion of Chairperson of the State Advisory Board, business of an emergent nature has to be transacted.

- (b) No business except which is included in the list of business for a meeting of such State Advisory Board shall be considered at such meeting without the permission of the Chairperson of the State Advisory Board.

(10) Disposal of Business.-

- (a) Every matter which the State Advisory Board is required to take into consideration shall be considered at a meeting of State Advisory Board, or if the Chairperson of State Advisory Board so directs, by sending the necessary papers to every member for opinion and the matter shall be disposed of in accordance with the decision of the majority:

Provided that where there is no opinion of majority on a matter and the members of the State Advisory Board are equally divided, the Chairperson of the State Advisory Board shall have a second or a casting vote.

- (b) No act or proceedings of the State Advisory Board shall be invalid merely for reasons of any vacancy in or any defect in constitution of the State Advisory Board.

(11) Travelling Allowance for members.-

- (a) The travelling allowance of an official member shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.
- (b) the non-official members of the Board shall be paid travelling allowance for attending the meeting of the Board at such places as per the guidelines of Finance Department of the State Government.

(12) Meeting of the Board and Quorum. –

- (a) The Board shall meet once in a six month or may meet as often as necessary:

Provided that the Chairperson shall, within fifteen days of the receipt of a requisition in writing from not less than one third of the members of the Board, call a special meeting thereof.

- (b) No business shall be transacted at any meeting unless at least $\frac{1}{3}$ members are present, Provided that if at any meeting less than $\frac{1}{3}$ members are present the Chairperson may adjourn the meeting to another date informing members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is a prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending:

Provided that when the Chairperson calls a meeting for considering any matter which in his opinion is of urgent nature, notice of not less than three days shall be deemed sufficient.

(13) Chairperson to preside at meetings.-

The Chairperson shall preside over all meetings of the Board, and if the Chairperson is, for any reason, unable to attend a meeting of the Board, any member nominated by the Chairperson in this behalf, and in the absence of such nomination, any other member elected by the members present from amongst themselves at the meeting, shall preside at the meeting.

(14) Minutes of meetings.-

The proceedings of each meeting of the Board shall be recorded and circulated to all members after approval by the Chairperson as soon after the meeting as possible, subject to confirmation in the next meeting of the Board. After such confirmation, they shall be recorded in a Minute Book, which shall be kept for permanent record.

(15) Allowances payable to Non-official members.-

Every non-official member shall be paid travelling allowance and daily allowance for attending meetings of the Board and its sub-committees at rates admissible to Class I officers of the State Government.

16. Appointment of Officers and Other Staff of the State Advisory Board under section 17.-

- (1) The State Government may appoint Gazetted Officers of the Government and such other staff being in the service of the Government, as it may think necessary to enable State Advisory Board to carry out its functions and duties.
- (2) The remuneration payable to such officers and staff shall be such as may be decided by the State Government from time to time.
- (3) The officers and staff appointed thereunder shall assist the Chairperson of State Advisory Board in convening meetings of the State Advisory Board.
- (4) The officers and staff appointed thereunder may attend the meetings of State Advisory Board but shall not be entitled to vote at such meetings.
- (5) The officers and staff appointed thereunder shall keep a record of the minutes of the meetings of State Advisory Board.
- (6) The officers and staff appointed thereunder shall take necessary measures to carry out the decisions taken at the meetings of State Advisory Board.

17. Safety Committee under section 22.-

- (1) Every Factory / establishment -
 - (a) major accident hazard factories;
 - (b) a factory carrying on "hazardous process" or operations declared to be "dangerous operations" under section 82 of the Code wherein fifty workers or more;
 - (c) a factory wherein two hundred fifty or more workers are ordinarily employed; or
 - (d) Every establishment employing two hundred fifty or more building workers; shall constitute a safety committee consisting of representatives of employers and workers:

Provided that factories declared under section 81 of the Code situated in a particular area and carrying out "hazardous process" or "dangerous operations" of similar nature, shall have a common Safety

Committee for them with the prior approval of Chief Inspector cum facilitator for the purpose this rule. The area of common safety committee shall be decided by Chief Inspector cum facilitator. Chief Inspector cum facilitator shall facilitate formation of safety committee.

The tenure of the safety committee shall be for three years for factories and the tenure of the safety committee for establishment shall be for three years or duration of construction site of building or other construction work. The safety committee shall meet at least once in every quarter for factories and building or other construction work

The representative of the workers shall be chosen by the registered trade Union. In case where there is no registered trade union the members may be chosen by the workers of the factory/establishment:

Provided that there shall be adequate representation of the women workers in the committee.

- (2) Safety Committee shall have the right to be adequately and suitably informed of –
 - (a) potential safety and health hazards to which the workers may be exposed at workplace;
 - (b) data on accidents as well as data resulting from surveillance of the working environment and of the health of employees, conducted at such establishments/factories
- (3) The owner, employer, occupier, agent or manager shall, within a period of 15 days from the date of receipt of the recommendations of the Safety Committee shall take action to implement the recommendations.

18. Composition of Safety Committee under section 22.-

- (1) The representatives of the management on Safety Committee, shall consist of –
 - (a) A Manager / Chief Executive Officer/responsible person, who by his position in the organisation can contribute effectively to the functioning of the Committee, shall be the Chairman;
 - (b) A Safety Officer and Medical officer wherever available and the Safety Officer in such a case shall be the Secretary of the Committee ; and
 - (c)
 - (1) A representative each from the production, maintenance and purchase departments for factories;
 - (2) A representative each from the engineering or technical, plant and machinery and purchase departments for building and other construction work;
 - (d) In case of common safety committee, minimum one employee from each factory shall be nominated by the occupier.
- (2) The workers' representatives on the Safety Committee shall be chosen by the workers.
- (3) The minutes of the meeting of the Safety Committee shall be recorded.
- (4) Function and duties of the Safety Committee shall include –
 - (a) assisting and cooperating with the management in achieving the aims and objectives outlined in the "Safety and Health Policy";
 - (b) dealing with all matters concerning health, safety and environment and to arrive at practicable solutions to problems encountered;
 - (c) creating safety awareness amongst all workers;
 - (d) undertaking educational, training and promotional activities;
 - (e) for factories discussing reports on safety, environmental and occupational health surveys, safety audits, risk assessment, emergency and disaster management plans and implementation of the recommendations made in the reports;
 - (f) looking into the matters likely to cause danger to the safety and health of the workers and suggest corrective measures; and
 - (g) reviewing the implementation of the recommendations made by it.

19. Functions of Safety Committee. - The functions of the Committee shall be -

- (a) to discuss remedial measures against the unsafe conditions and practices in the establishment as pointed out in the reports of worker's representative brought to the notice of the Committee and make appropriate recommendations;
- (b) to discuss the report of inquiry into accident, dangerous occurrences etc., and make appropriate recommendations;
- (c) to formulate and implement appropriate Safety campaign based on analysis of accidents and dangerous occurrences;
- (d) to serve as a forum for communication on Safety and occupational health matters; and
- (e) to discuss the standard operating procedures (SOP) prepared for different plant, equipment, installations and methods at factories/establishment and make appropriate recommendations.
- (f) Stimulating interest of employer and building workers in safety by organizing safety weeks, safety competition, talks and film shows on safety, preparing posters or taking similar other measures as and when required or as necessary.

20. Safety Officers. -**(A) For Factories**

In every factory where appointing of Safety officer is mandatory shall appoint safety officers, as laid down in the scale given below:

(A) For Ordinary Factories

Sr. No.	Employment	Number of Safety officers
1.	500 to 1500 workers	One safety officer
2.	1501 to 3000 workers	Two safety officers
3.	3001 and above	Two + one (for every additional 3000 workers or part thereof)

(B) For factories carrying on Hazardous process

Sr. No.	Employment	Number of Safety officers
1.	250 to 1000 workers	One safety officer
2.	1001 to 2000 workers	Two safety officers
3.	2001 and above	Two + one (for every additional 2000 workers or part thereof)

(C) For Major Accident Hazard

Sr. No.	Employment	Number of Safety officers
1.	100 to 500 workers	One safety officer
2.	501 to 1500 workers	Two safety officers
3.	1501 to 3000 workers	Three safety officers
4.	3001 and above	Three + one (for every additional 1500 workers or part thereof)

Any appointment, when made, shall be notified to the Inspector cum facilitator having jurisdiction in the area, giving full details of the qualifications, terms and conditions of service of such safety officers.

(B) For building or other construction work

- (1) In every establishment which is a building or other construction work wherein two hundred fifty or more workers are employed or in establishment where hazardous processes as mentioned in **Schedule-I** appended with this rule, are carried out with fifty or more workers employed therein, the employer shall appoint safety officer.

- (2) In any establishment, the number of safety officers to be employed and their duties & conditions of service shall be as per **Schedule-II** appended with this rule.

SCHEDULE – I

Hazardous Processes related to building or other construction work

1. Excavation or construction work below ground (e.g. excavation for foundation with one basement floor)
2. High-Rise Construction (e.g. construction height more than 15m from ground level)
3. Steel erection
4. Demolition
5. Roof work
6. Work under and above water
7. Work in confined spaces
8. Tunnelling work

SCHEDULE – II

Appointment of Safety Officers and their duties and conditions of service

1. Number of Safety Officers: Within six months of coming into operation of these rules, every establishment employing more than two hundred and fifty building workers and every other employer who is carrying out hazardous processes as laid down in Schedule-I, shall appoint safety officers, as laid down in the scale given below:

1. Up to 250 building workers employed – one safety officer
2. Up to 500 building workers employed – two safety officers
3. Up to 750 building workers employed – three safety officers
4. Up to 1000 building workers employed – four safety officers
5. For every additional 500 building workers or part thereof, one safety officer.

For establishment carrying out hazardous processes are carried out with fifty or more workers employed therein, one safety officer shall be appointed by the employer.

Any appointment, when made shall be notified to the Inspector-cum-facilitator having jurisdiction in the area, giving full details of the qualifications, terms and conditions of service of such safety officer.

2. Conditions of Service:

- (a) Where number of safety officers appointed exceeds one, one of them shall be designated as Chief Safety Officer and shall have the status higher than the others. The Chief Safety Officer shall be in overall charge of the safety functions as envisaged in these rules and also other safety officers working under his control.
- (b) Chief Safety Officer or Safety Officer, where only one safety officer is appointed, shall be given the status of a Senior Executive and he shall work directly under the control of his Chief Executive. All other safety officers shall be given appropriate status to enable them to dispatch their functions effectively.
- (c) Scale of pay and allowances to be granted to the Safety Officers including the Chief Safety Officer and the other conditions of their service shall be the same as those of the officers of corresponding status of the establishment in which they are employed.

3. Facilities to be provided to safety officers. - The employer shall provide each safety officer with such facilities, equipment and information that are necessary to enable him to dispatch his duties effectively.

4. Prohibition of performance of other duties. - No safety officer shall be required or permitted to do any work which is unconnected to, inconsistent with or detrimental to the performance of the duties prescribed in this Schedule.

21. Qualification of Safety Officer. –

(A) For Factories

- (1) A person shall not be eligible for appointment as a Safety Officer unless he-
 - (i) Possesses recognised degree in (chemical or mechanical or electrical or fire) of engineering or technology and has had practical experience of working in a factory, as the case may be, a supervisory capacity for a period of not less than 2 years; or a recognised degree in physics or chemistry and has had practical

experience of working in factory in a supervisory capacity for a period of not less than 5 years; or a recognised diploma in (chemical or mechanical or electrical) of engineering or technology and has had practical experience of working in a factory, in a supervisory capacity for a period of not less than 6 years;

- (ii) Possesses a degree or diploma in the industrial safety recognised by the State Government in this behalf; and
 - (iii) Has adequate knowledge of the language spoken by majority of the workers in the region in which the factory where he is to be appointed is situated.
- (2) Notwithstanding the provisions contained in clauses (i) and (ii) sub-rule (1), any person who possesses a recognised degree or diploma in engineering or technology and has had experience of not less than 2 years in a department of the Central or State Government as an Inspector under the Factories Act, 1948 or the Indian Dock Labourers Act, 1934 or the Inspector-cum-Facilitator under the Code; or possesses a recognised degree or diploma in engineering or technology and has had experience of not less than 5 years, (full time) in training education consultancy or research in the field of accidents prevention in industry or in any institution, shall also be eligible for appointment as Safety Officer :

(B) For building or other construction work

- (1) A person shall not be eligible for appointment as a safety officer relating to building or other construction work unless he possesses –
- (i) a recognised degree in civil or construction engineering or technology and has had practical experience of working in a building or other construction work in a supervisory capacity for a period of not less than 2 years; or
 - (ii) a recognised diploma in civil or construction engineering or technology and has had practical experience of working in a building or other construction work in a supervisory capacity for a period of not less than 5 years;
 - (iii) possesses a degree or diploma in industrial safety recognised by the State Government in this behalf; and
- (2) Notwithstanding anything contained in sub-rule (1), any person who –
- (i) possesses a recognised degree or diploma in engineering or technology and has had experience of not less than 5 years in a department of the Central or State Government which deals with the administration of the Factories, Building or other Construction works and Dock works; or
 - (ii) possesses a recognised degree or diploma in engineering or technology and has had experience of not less than 5 years, full time, on training, education, consultancy, or research in the field of accident prevention in industry or in any institution; shall also be eligible for appointment as a safety officers.

22. Duties of Safety Officer. – The duties of a Safety Officer shall be to advise and assist the establishment management in the fulfilment of its obligations, statutory otherwise concerning prevention of personal injuries and maintaining a safe working environment. These duties shall include the following, namely: -

- (i) To advice the concerned departments in planning and organising measures necessary for the effective control or personal injuries;
- (ii) To advise on safety aspects in all job studies and to carry out detailed job safety of selected jobs;
- (iii) To check and evaluate the effectiveness of the action taken or proposed to be taken by concerned department to prevent personal injuries;
- (iv) To advise the purchase and stores departments in ensuring quality of personal protective equipment confirming to national standards;
- (v) To advise on matter related to carrying out safety inspections;
- (vi) To render advise on matters related to reporting and investigation of industrial accidents diseases;
- (vii) To investigate selected accidents;
- (viii) To investigate the cases of occupational diseases contracted, dangerous occurrence reportable under these rules.

- (ix) To advise on the maintenance of such records as are necessary relating to accidents, dangerous occurrences and occupational diseases;
- (x) To promote setting up of safety committees and act as advisor to such committees;
- (xi) To organise in association with the concerned departments, campaigns, contests and other activities will develop and maintain the interest of the workers in establishing and maintaining safe conditions of work and procedures;
- (xii) To design and conduct either independently or in collaboration with the training department suitable training and educational programmes for the prevention of personal injuries;
- (xiii) To frame safety rules and safe working practices in consultation with senior officials of the factory/establishment;
- (xiv) Supervise and guide safety precautions to be taken in building or other construction work of the factory/establishment;
- (xv) To conduct elections of the workers for the appointment of worker's representatives on safety committee where there is no recognised union of the workers

23. Facilities to be provided to Safety Officers. -

The employer of the establishment shall provide each Safety Officer with such facilities, equipment and information as are necessary to enable him to discharge his duties effectively.

CHAPTER - V

HOURS OF WORK AND ANNUAL LEAVE WITH WAGES

under section 26

24. Weekly Holiday and Compensatory Holidays under section 26.-

(A) For Factories-

(1) Weekly holidays.-

- (1) No adult worker shall be required or allowed to work in a factory on the first day of the week (hereinafter referred to as a said day), unless-
 - (a) he has or will have a holiday for a whole day on one of the three days immediately before or after the said day, and
 - (b) the manager of the factory has, before the said day or the substituted day under clause (a) whichever is earlier, delivered a notice
 - (i) at the office of the Inspector-cum-facilitator of his intention to require the worker to work on the said day and of the day which is to be substituted, and
 - (ii) displayed a notice to that effect in the factory:

Provided that no substitution shall made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.
- (2) Notices given under sub-rule (1) may be cancelled by a notice delivered at the office of the Inspector-cum-facilitator and a notice displayed in the factory not later than the day before the said day or the holiday to be cancelled, whichever is earlier.
- (3) Where, in accordance with the provisions of sub-rule (1), any worker works on the said day and has had a holiday on one of the three days immediately before it that said day shall, for the purpose of calculating his weekly hours of work, be included in the preceding week.

(2) Compensatory Holidays. -

- (1) Except in the case of worker engaged in any work which for technical reasons must be carried on continuously throughout the day. the compensatory holidays to be allowed shall be so spaced that not more than two holidays are given in one week

- (2) The manager of the factory shall display, on or before the end of the month in which holidays are lost, a notice in respect of workers allowed compensatory holidays during the following month and of the date thereof, at the place at which the Notice of Periods of Workers displayed. Any subsequent change in the notice in respect of any compensatory holiday shall be made not less than three days in advance of the date of the holiday.
- (3) Any compensatory holidays to which a worker is entitled shall be given to him before he is discharged or dismissed and shall not be reckoned as part of any period of notice required to be given before discharge of dismissal.
- (4) (a) The Manager shall maintain a Register in **Form 10**:

Provided that, if the Chief Inspector of Factories is of the opinion that any muster roll or register maintained as part of the routine of the factory or return made by the manager, gives in respect of any or all the workers in the factory the particulars required for the enforcement he may, by order in writing, direct that such muster roll or register or return shall, to the corresponding extent, be maintained in place of and be treated as the register or return required under this Rule for this factory.

(b) The register maintained under clause (a) shall be preserved for a period of three years after the last entry in it and shall be produced before the Inspector on demand.

(B) Weekly Holidays and Compensatory Holidays for Building or other construction work.

- (1) Subject to the provisions of these rules, each building worker employed in building or other construction work shall be allowed a day of rest every week (hereinafter referred to as the rest day) which shall ordinarily be Sunday, but the employer may fix any other day of the week as the rest day;

Provided that the building worker shall be informed of the day fixed as the rest day and of any subsequent change in such rest day before the change is effected by display of a notice to that effect in the place of employment at the place specified by the Inspector-cum facilitator having jurisdiction in this behalf.
- (2) No building worker employed in building or other construction work shall be required or allowed to work on a rest day unless he already had or will have a substituted rest day for a whole day on one of the five days immediately before or after such rest day;

Provided that no substitution shall be made which results in a building worker working for more than ten days consecutively without a rest day for a whole day.
- (3) Where the weekly day of rest is not the same day for all building workers employed in the building or other construction work, the notice referred to in sub-rule (1), shall show the day of rest allowed to each relay, or set of persons or individual.
- (4) Where a building worker employed in building or other construction work has worked on a rest day and has been given a substituted rest day on any one of the five days before or after the rest day, as provided in sub-rules (1) and (2), such rest day shall, for the purpose of calculating the weekly hours of work, be included in the week in which such substituted rest day occurs.
- (5) A building worker employed in building or other construction work shall be granted wages for a rest day, calculated at the rate applicable to the day preceding such rest day and in case he has worked on a rest day and has been given a substituted rest day he shall be paid wages for such rest day on which he worked, at the overtime rate and wages for such substituted rest day at the rate applicable to the day preceding such substituted rest day.

Explanation-I: For the purpose of this rule "preceding day" means the last day preceding at rest day or a substituted rest day, as the case may be, on which a building worker had worked and where such substituted rest day falls on a day immediately after such a rest day, such "preceding day" means the last day preceding such rest day on which such building worker had worked.

Explanation-II: For the purpose of this rule, "week" shall mean a period of seven days beginning at mid night on a Saturday night.

- (6) Except in the case of building worker engaged in any work which for technical reasons must be carried on continuously throughout the day, the compensatory holidays to be allowed under sub-section (3) of section 26 of the Code shall be so spaced that not more than two compensatory holidays are given in one week.

- (7) The employer or contractor of the establishment, as the case may be, shall display, on or before the end of the month in which holidays are lost, a notice in respect of building workers allowed compensatory holidays during the following month and of the dates thereof, at the place at which the notice of periods of works prescribed under section 26 is displayed. Any subsequent change in the notice in respect of any compensatory holiday shall be made not less than three days in advance of the date of that holiday.
- (8) Any compensatory holiday or holidays to which a worker is entitled shall be given to him before he is discharged or dismissed and shall not be reckoned as part of any period of notice required to be given before discharge or dismissal.

25. Extra Wages for Overtime under section 27.-

(A) For Factories

- (1) Where a worker works in a factory for more than eight hours in any day or for more than forty-eight hours in any week, he shall in respect of overtime work, be entitled to wages at the rate of twice his ordinary rate of wages.
- (2) For the purposes of sub-rule (1), 'ordinary rate of wages' means the basic wages plus such allowances, including the cash equivalent of the advantage accruing through the concessional sale to workers of food grains and other articles, as the worker is for time being entitled to, but does not include a bonus and wages for overtime work.
- (3) Where any workers in a factory are paid on piece rate bases, the time rate shall be deemed to be equivalent to the daily average of their full time earnings for the days on which they actually worked on the same or identical job during the month immediately preceding the calendar month during which the overtime was done, and such time rates shall be deemed to be the ordinary rates of wages of those workers:

Provided that in case of a worker who has not worked in the immediately preceding calendar month on the same job, the time rate shall be deemed to be equivalent to the daily average of the earnings of worker for the days on which he actually worked in the week in which the overtime work was done.

Explanation. - For the purposes of this sub-section in computing the earnings for the days on which the worker actually worked such allowances, including the cash equivalent of the advantage accruing through the concessional sale to workers of food grains and other articles, as the worker is for time being entitled to, shall be included but any bonus or wages for overtime work payable in relation to the period with reference to which the earning are to be computed shall be excluded.

- (4) The cash equivalent of the advantage accruing through the concessional sale to workers of food grains and other articles shall be computed as often as may be prescribed on the basis of the maximum quantity of food grains and other article admissible to a standard family.

Explanation 1. - 'Standard family' means a family consisting of the worker, his or spouse and two children below the age of fourteen years requiring in all three adult consumption units.

Explanation 2. - 'Adult consumption unit' means the consumption unit of a male above the age of fourteen years; and the consumption unit of the female above the age of fourteen years and that of a child below the age of fourteen years shall be calculated at the rate of 8 and 6 respectively of one adult consumption unit.

- (5) Muster -roll for exempted factories. -

The Manager of every factory -

- (a) which is exempted under section 128 of the Code, or
- (b) in which workers are exempted under section 25(b) shall keep a muster roll in **Form 11** showing the normal piece work rate of pay, or the rate of pay per hour, of all the exempted workers in the factory.

In this muster roll shall be correctly entered the extent of overtime worked by each worker together with the overtime earnings in respect thereof and the dates of the payment of such earning. The muster roll in **Form 11** shall always be available, and produced for inspection whenever required by an Inspector.

- (6) **Overtime Slips.** -

Any work done by a worker beyond the normal specified periods of work shall be entered in the overtime slips in duplicate indicating therein, the actual period of overtime worked by him. A copy of such overtime slip duly

signed by the manager or by a person duly authorized by in that behalf, shall be given to the worker immediately after completion of the overtime work:

Provided that if the Chief Inspector-cum-facilitator of Factories is satisfied that because of the nature of work carried out in the factory, it is not possible to issue daily slips to the workers he may permit issue of weekly slips to the workers.

(B) Extra Wages for Overtime for Building or other Construction work/Establishment

- (1) Where a worker works in a factory for more than eight hours in any day or for more than forty-eight hours in any week, he shall in respect of overtime work, be entitled to wages at the rate of twice his ordinary rate of wages.
- (2) In calculating overtime on any day, a fraction of an hour between 15 to 30 minutes shall be counted as 30 minutes and in case of more than 30 minutes it shall be rounded and shall be counted as an hour on actual basis.
- (3) In calculating the wages or earnings in the case of a worker paid by the month, the daily wages shall be 1/26th of his monthly wages; and in the case of any other worker it shall be the daily wages or earnings as the case may be.
- (4) The spread over for the building workers shall exceed twelve hours in any one day under the following works and circumstances in building or other construction work, namely:-
 - (a) urgent repairs;
 - (b) work in the nature of preparatory or complimentary work;
 - (c) work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the intervals for rest;
 - (d) work which for technical reasons must be carried on continuously;
 - (e) engaged in making or supplying articles of prime necessity which must be made or supplied every day,
 - (f) engaged in a process which cannot be carried on except during fixed seasons;
 - (g) engaged in a process which cannot be carried on except at times dependent on the irregular action of natural forces;
 - (h) engaged in an engine-rooms or boiler-houses or in attending to power-plant or transmission machinery;
 - (i) engaged in process on account of the break-down of machinery;
 - (j) engaged in the loading or unloading of railway wagons or lorries or trucks;
 - (k) exceptional press of work and
 - (l) engaged in any work, which is notified by the Central Government or State Government in the Official Gazette as a work of national importance;

Provided that no worker shall be allowed to work overtime exceeding one hundred twenty-five hours in any quarter of a year.

- (5) Where the working hours in respect of a building worker employed in building or other construction work have exceeded the hours of work as laid down in sub-rule (1) of rule 33(B) or where such worker has been deprived of a rest day due to application of sub-rule (3) of this rule, such worker shall be paid at double the rate of normal wages in respect of the work done in excess of such daily or weekly hours and for work done.

26. Factories exempted for overlapping of shift under section 29.-

The Printing press attached to the newspaper offices shall be exempted from the provisions of section 29 of the Code, subject to the following conditions, namely:-

In such printing press-

- (i) The workers of each relay shall bear a badge of distinct colour which will identify the worker of one relay from that of the other;

- (ii) The colour of the badge to be worn by the workers of each relay shall be specified in the notice of periods of work required to be displayed and correctly maintained and in the copies of the notice to be sent to the Inspector cum facilitator;
- (iii) a flag or light having the same colour as that of the badge to be worn by the workers of any relay actually at work shall be displayed during the time of actual working of one or more relays in the department concerned;
- (iv) Each worker engaged in the work carried on by means of overlapping shifts shall be in possession of an identity card. The identity card shall be supplied to the worker by the factory management free of costs and shall bear the photograph of the workers, his full name, signature or thumb impression and visible identification mark and the signature of the Manager.

27. Restriction of double employment under section 30.-

The Inspector cum facilitator may allow the employment of adult workers in more than one factories on the same day subject to the following circumstances –

- (i) such adult worker has not worked more than forty-eight hours in a week and is allowed weekly holidays as per rule 24;
- (ii) A note under the initials of the Inspector shall be made in the remarks column of a Register of such workers permitted to work in more than one factory.

28. Notice of periods of work under section 31-

There shall be displayed at conspicuous places on a notice board or electronic board and correctly mentioned in every establishment/factory/Building or Other Construction work a notice of periods of work for adults in **Form 12**, showing clearly for every day the periods during which adult workers may be required to work; and a copy of the said notice shall be sent in duplicate by register post or electronically to the Inspector cum Facilitator before the day on which work is begun in the establishment/factory/Building or Other Construction work.

CHAPTER-VI

Maintenance of Registers, Records and Returns

under section 33

29. Register of Attendance, Wages, Overtime, fine, deduction for damage or loss.-

- (1) Every employer shall-
 - (a) maintain register of workers, wages, overtime, fine, deduction for damage or loss in **Form 13**, shall be kept available at a factory/establishment.
 - (b) maintain muster roll of the all workers employed in the factory/establishment in **Form 14** showing the name of each workers, the nature of his work and daily attendance of the worker.
 - (c) in case of manual registers and other records, be legibly entered in ink in English/Hindi/ Gujarati or the language understood by a majority of the persons employed;
 - (d) be preserved in original for a period of three calendar year after the date of the last report or entry:

Provided that when the original record is lost or destroyed before the expiry of one-year period, true copies thereof, if available, shall be preserved for the prescribed period;

- (e) issue where the wage period is one week or more, wage book to each of such building worker, in **Form 15** in which entries shall be made at least a day prior to the disbursement of wages to them;
- (f) issue a service certificate to each of such building worker in **Form 16** on termination of his service on account of completion of such work or for any other reason;
- (g) be produced, electronically or by registered post or manually, on demand before the Chief Inspector-cum-facilitator or an Inspector-cum-facilitator or any person authorized in that behalf of the State Government or the Central Government.

30. Register of adult workers.-

The register of adult workers shall be in **Form 17**. This register shall be written up afresh each year and shall be preserved for a period of twelve months.

31. Identity Card.-

- (1) The Manager of every factory shall provide to each worker an identity card with photograph, free of cost, in **Form 18** and shall enter the serial number of such card against the name of such worker in the register of adult workers:

Provided that it shall not be necessary to furnish such identity card to any worker to whom an identity card containing similar particulars and information is furnished under any other law applicable to him.

- (2) No worker shall be allowed or required to work in a factory unless he carries while he is at work an identity card, provided under sub-rule (1).
- (3) Every worker shall, on demand by an Inspector appointed for the purposes of the Act, produce the identity card provided to him under sub-rule (1).
- (4) If any worker loses his identity card a duplicate card shall be furnished to him by the Manager immediately on production of a recent passport size photograph by the worker for affixing on it, free of charge.

32. Leave with wages register. -

- (1) The Manager shall keep a Register in **Form 19** hereinafter called the Leave with Wages Register:

Provided that if the Chief Inspector cum Facilitator of factories is of the opinion that any muster roll or register maintained as part of the routine of the factory, or return made by the Manager, gives in respect of any or all of the workers in the factory, the particulars required for the enforcement of Chapter VII of the Code he may, by order in writing, direct that such muster roll or register or return shall, to the corresponding extent, be maintained in place of and by treated as the register, or return required under this rule in respect of that factory.

- (2) The Leave with Wages Register shall be preserved for a period of three years after the last entry in it and shall be produced before the Inspector on demand.

33. Leave Card.-

- (1) The Manager shall provide each worker with a card in **Form 20**. The Leave card shall be the property of the worker and the Manager or his agent shall not demand it except to make relevant entries therein and shall not keep it for more than a week at a time.
- (2) If a worker loses his Leave card, the Manager shall provide him with another copy free of cost first time after that on no profit no loss basis within fifteen days, and shall complete it from his record.

34. Overtime Slips.-

Any work done by a worker beyond the normal specified periods of work shall be entered in the overtime slips in duplicate indicating therein, the actual period of overtime worked by him. A copy of such overtime slip duly signed by the manager or by a person duly authorized by him in that behalf, shall be given to the worker immediately after completion of the overtime work:

Provided that if the Chief Inspector cum facilitator of Factories is satisfied that because of the nature of work carried out in the factory, it is not possible to issue daily slips to the workers he may permit issue of weekly slips to the workers.

35. Display of Notice Board.-

- (1) Every employer or contractor, as the case may be, shall cause to display at the conspicuous place of the workplace of the establishment under his control, notice showing the name and address of the establishment, hours of work, wage period, date of payment of such wages, details of accident and dangerous occurrence in the establishment for the last five years, name and address of the Inspector-cum-facilitator having jurisdiction to such establishment and date of payment of unpaid wages to such workers in English, Hindi and in the Local Language understood by the majority of the workers in **Form 21**.

- (2) A copy of the notice referred to in sub-rule (1) shall be sent to the Inspector-cum-facilitator having jurisdiction and whenever any change occurs relating to facts contained in such notice, such change shall be communicated by the employer or contractor to such Inspector-cum-facilitator.

36. Register of Accident and Dangerous Occurrences.-

The manager/ Employer of every factory/Employer of Building or other construction work shall maintain a Register of all accidents and dangerous occurrences which occur in the factory/Building or other construction work in **Form 22**.

37. Annual Return.-

Every employer of an establishment shall send annually a return relating to such establishment in duplicate in **Form 23** to the Inspector-cum-facilitator having jurisdiction so as to reach him not later than 1st February following the end of each calendar year with a copy to Director General, Labour Bureau and Director General, Factory Advise Service & Labour Institute (DGFASLI) electronically or otherwise.

38. Other Provisions related to Registers, Records and Returns.-

- (1) The registers and other records relating to an establishment and required to be maintained under the Code or these rules, shall be maintained legibly in English and in Hindi or in the local language understood by the majority of the workers employed.
- (2) An employer shall be produced all types of Records and prescribed registers under these rules, electronically or by registered post or manually, on demand before the Chief Inspector-cum-facilitator or an Inspector-cum-facilitator or any person authorized in that behalf of the State Government or the Central Government.
- (3) In case, where during a wage period, no deduction has been made from the wage of a worker or no fine has been imposed on such worker or no overtime work has been performed by such worker or no payment has been made for overtime work to such worker, a "NIL" entry shall be made against such wage period at the appropriate place in the register maintained in **Form 13**.

CHAPTER-VII

INSPECTOR-CUM-FACILITATORS AND OTHER AUTHORITY

under Section 35

39. Powers of Inspector – cum - facilitator.-

- (1) Inspector-cum-Facilitator shall, after every inspection, as may be deemed necessary, issue prohibition or improvement notice with pointing out the non-compliance of provisions of safety, health and working conditions under the Code, rules and regulations framed thereunder, to the employer or contractor of the establishment.
- (2) An Inspector-cum-Facilitator shall, at each inspection, ascertain to what extent any shortcomings notified at a previous inspection have been rectified and the notices previously issued have been complied with. His findings and any shortcomings which may come to light during the inspection, together with any order passed by him under the Code, rules and regulations framed thereunder shall be recorded and maintained.
- (3) An Inspector-cum-facilitator may at any time during normal working hours of a factories/Establishment/ Building or Other Construction work after informing the Occupier or manager of the factory/Building or Other Construction work or other person for the time being purporting to be in charge of the factory/Building or Other Construction work, taken in the manner hereinafter provided a sufficient sample of any substance used or intended to be used in the factory/Building or Other Construction work such used being,-
- (a) in the belief of the Inspector-cum-Facilitator in contravention of any of the provisions of the Code or the rules made thereunder, or
- (b) in the opinion of the Inspector-cum-Facilitator likely to cause bodily injury to, or injury to the health of employee in the factory/Building or Other Construction work.
- (4) Where the Inspector-cum-facilitator takes a sample under sub-rule (3), he shall, in the presence of the person informed under that sub-section unless such person wilfully absents himself, divide the sample into three portions and effectively seal and suitably mark them, and shall permit such person to add his own seal and mark there to.

(5) The person informed as aforesaid shall, if the Inspector-cum-facilitator so requires, provide the appliance for dividing, sealing and marking the sample taken under this section.

(6) The Inspector-cum-facilitator shall-

- (a) Forthwith give one portion of the sample to the person informed under sub-rule (1);
- (b) Forthwith send the second portion to a Government Analyst or National Accreditation Board for Testing and Calibration Laboratories (NABL) for analysis and report there on;
- (c) Retain the third portion for production to the Court before which proceedings, if any, are instituted in respect of the substance.

(7) Any document purporting to be a report under the hand of any Government Analyst or NABL accredited laboratory upon any substance submitted to him for analysis and report under this section, may be used as evidence in any proceeding instituted in respect of the substance.

40. *Safety of Buildings and Machinery. -*

- (1) If it appears to the Inspector cum Facilitator that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, he may serve on the occupier or manager or both of the factory an order in writing specifying the measures which in his opinion should be adopted and requiring them to be carried out before a specified date.
- (2) If it appears to the Inspector cum Facilitator that use of any building or part or of building or any part of the ways, machinery or plant in a factory involves imminent danger to human life or safety, he may serve on the occupier or manager or both of the factory an order in writing prohibiting its use until it has been properly repaired or altered and after written permission from the Inspector cum Facilitator with prior approval of the Chief Inspector cum Facilitator of Factories.

41. *Maintenance of Building. -*

If it appears to the Inspector cum Facilitator that any building or part of a building in a factory is in such a state of disrepair as is likely to lead to conditions detrimental to the health and welfare of the workers, he may serve on the occupier or manager or both of the factory an order in writing specifying the measures which in his opinion should be taken and requiring the same to be carried out before such date as is specified in the order.

42. *Power to require specification of defective part or tests of stability.-*

If it appears to the Inspector cum Facilitator that any building or part of the building or any part of the ways, machinery or plant in a factory is in such a condition that it may be dangerous to human life or safety, he may serve on the occupier or manager or both of the factory an order in writing requiring him before a specified date –

- (a) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such building, ways, machinery or plant can be used with safety, or
- (b) to carry out such tests in such manner as may be specified in the order, and to inform the Inspector cum Facilitator of the results thereof.

under section 42

43. *Appointment of Medical officer.-*

- (1) The State Government or, subject to the control of the State Government, the Chief Inspector cum facilitator of factories, may by written order appoint the Medical practitioner to be a Medical Officer who possesses any recognised medical qualification as defined in the National Medical Commission Act, 2019(30 of 2019) and who is enrolled on a Indian Medical Register as defined in clause (e) and on a State Medical Register as defined in clause (l) of section 35, 36, 37 and 40 of the said Act for the purpose of this Code within such local limits or for such factory or class or description of factories as it may assign to them respectively.
- (2) No person shall be appointed to be, or authorised to exercise the powers of, the medical officer, or having been so appointed or authorised, continue to exercise such powers, who is or becomes the occupier of a factory or is or becomes directly or indirectly interested therein or in any process or business carried on therein or in any patent or machinery connected therewith or is otherwise in the employ of the factory:

Provided that the State Government may, by order in writing and subject to such conditions as may be specified in the order, exempt any person or class of persons from the provisions of this sub-rule in respect of any factory or class or description of factories.

44. Duties of Medical officer.-

- (1) On receipt of a reference under clause (c) sub section (2) of section 42 of the code, the Medical officer shall, after giving prior notice regarding date, time and place for medical examination of any adolescent or any person and upon examining the person sent for such examination, prepare the age and fitness certificate in **Form 24** and deliver the same to the manager of the establishment concerned after retaining a copy thereof.
- (2) The medical officer may seek opinion of specialists like radiologist, dentist and orthopaedic surgeon as the case may be, for the purpose of determination of age.
- (3) Medical officer shall carry out such examination and furnish such report as state government may direct:
 - (a) for examination and certification of workers in an establishment in such dangerous occupation or processes as specified in First Schedule to the Code;
 - (b) for medical supervision of any establishment or class of establishment where cases of chronic occupational illness have occurred due to arduous nature of any process carried on or hazardous condition of work;
 - (c) in respect of any establishment or class of establishment or description of establishment in which operations involve any risk of injury to the health of any person or class of persons employed therein;
 - (d) to undertake occupational health survey for any or class of an establishment, where cases of illness have occurred or there is prevalence of diseases as prescribed in Third Schedule of the code.
 - (e) to assess the age and issue fitness of adolescent for employment in an establishment or class of establishment.

CHAPTER –VIII

Special Provision relating to Employment of women

45. Employment of Women in establishment under Section 43.-

- (1) The following conditions shall be met for employment of women during night or before 6.00 a.m. and beyond 7.00 p.m. in any day, namely: -
 - (a) the consent of women employee shall be taken;
 - (b) No women shall be employed against the maternity benefit provisions laid down under the Social Security Code, 2020 (36 of 2020);
 - (c) adequate transportation facilities shall be provided to women employee to pick-up and drop such employee at her residence;
 - (d) the workplace including passage towards conveniences or facilities concerning toilet, washrooms, drinking water, entry and exit of women employee should be well-lit;
 - (e) the toilet, washroom and drinking facilities should be near the workplace where such women employee are employed; and
 - (f) Provide safe, secure and healthy working condition such that no women employee is disadvantaged in connection with her employment.
 - (g) The provisions of the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules thereunder, as applicable to the establishments shall be complied with.

CHAPTER – IX
Special Provisions

Part-I

CONTRACT LABOUR

46. Conditions of License under sub-section (3) of section 47.- (1) The contractor shall ensure that:

- (a) The hours of work shall conform under section 25 of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020);
- (b) The wages shall be paid in accordance with the Code on Wages, 2019 (29 of 2020);
- (c) It shall be the responsibility of the principal employer to provide the facilities or amenities such as toilet, washroom, drinking water, and bathing facilities if required, changing room, first aid box, Canteen and Creche to the contract worker of the contractor is working at the premises of the principal employer;
- (d) All other facilities and entitlements shall be provided by the contractor;
- (e) In case the contractor fails to make payment of minimum wages to the contract worker, the Commissioner of Labour/Director of Labour or his representative, who shall cause such payment to be made to the contract workers who have not been paid out of the security deposit maintained under **rule 51** including invocation of the bank guarantee; and
- (f) He shall intimate within fifteen days of the receipt of a contract work order about the details the contract work order and in the manner as under **rule 53**.

47. Form and manner of application for contractor license under of sub-section (1) of section 48.-

Every application by a contractor for the grant of a license shall be made on-line electronically to the Commissioner of Labour in **Form 25**.

48. Forms, terms and conditions of license. -

- (1) Every license shall be granted in **Form 26**.
- (2) Every license granted or renewed is subject to the following conditions, namely: —
 - (i) the license shall be non-transferable;
 - (ii) the number of workers employed as contract labour by the contractor shall not, on any day, exceed the maximum number specified in the license;
 - (iii) save as provided in these rules, the fees paid for the grant, or as the case may be, for renewal of the license shall be non-refundable;
 - (iv) the rates of wages payable to the workers by the contractor shall not be less than the rates prescribed under the Code on Wages, 2019 and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed.

49. Procedure for issue of license under sub-section (2) of section 48.-

- (1) Before a license is issued under any rule of these rules, bank guarantee for an amount calculated at the rate of Rupees 1000 for each of the worker to be employed as contract labour, in respect of which the application for license has been made, shall be deposited by the contractor for performance of the conditions of the license and compliance with the provisions of the Code or the rules made there under.
- (2) Wherein the issued contract license had expired, based on the request of the applicant in Form, the licensing officer may adjust the security deposit in respect of his application for new license.
- (3) The fees to be paid for the grant of a license shall be as specified in the table below, namely;

(a)	No license is required up to 49 contract labour	Nil.
(b)	50 but does not exceed 100 contract labour	Rs. 1000
(c)	101 but does not exceed 300 contract labour	Rs. 2000
(d)	301 but does not exceed 500 contract labour	Rs. 3000

(e)	501 but not exceeding 1000 contract labour	Rs. 5000
(f)	1001 but not exceeding 5000 contract labour	Rs. 10000
(g)	5001 but not exceeding 10000 contract labour	Rs 20000
(h)	10001 but not exceeding 20000 contract labour	Rs 30000
(i)	20001 and above contract labour	Rs.40000

50. *Renewal of license under section 48.-*

- (1) Every contractor shall apply electronically on the Portal of the Commissioner of Labour to the licensing authority for renewal of the license.
- (2) Every such application shall be submitted on the said portal at least 30 days prior to expiry of license period but not before 90 days of such expiry of license.
- (3) The security deposit and the fee chargeable for renewal of the license shall be the same as for the grant of license under **rule 49**:

Provided that if the application for renewal is not received within the time specified in sub-rule (2), an additional fee of twenty-five per cent, shall be payable for such renewal.

- (4) It shall be the responsibility of the authority concerned to renew license within 30 days.

51. *Refund of security deposit. -*

- (1) On expiry of the period of license the contractor may, if he does not intend to have his license renewed further, make an application electronically to the licensing authority for the refund of the security deposited by him (in form of bank guarantee) along with copy of licence and notice of completion of work and bank details in which amount is required to be refunded.
- (2) If the Licensing authority is satisfied that there is no breach of the conditions of license or there is no order for the forfeiture of security deposit or any portion thereof, he shall direct the refund of the security deposit to the applicant.
- (3) If there is any order directing the forfeiture of any portion of contractor's security deposit, the amount to be forfeited shall be deducted from the security deposit, and balance, if any, shall be refunded to the contractor.
- (4) Any application for refund shall, as far as possible, be disposed of within 30 days of the receipt of the application.

52. *Responsibility of contractor under sub-section (4) of section 48.-*

- (1) The rates of wages payable to the workers by the contractor shall not be less than the rates prescribed under the Code on Wages, 2019 (29 of 2019) and where the rates have been fixed by agreement, settlement or award, not less than the rates fixed.
- (2) In case where the worker employed by the contractor perform the same or similar kind of work as the worker directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the workers of the contractor shall be the same as applicable to the workers directly employed by the principal employer of the establishment on the same or similar kind of work. In case of any dispute whether the work is of similar kind, the matter be referred to the Inspector-Cum Facilitator whose decision shall be final.
- (3) In other cases, the wage rates, holidays, hours of work and conditions of service of the workers of the contractor shall be such as specified under the Code and rules made thereunder.
- (4) All contract labour shall be made member of EPF and ESI subject to applicability as under respective provisions of the Code on Social Security, 2020.
- (5) The contractor shall notify any change in the number of workers or conditions of work to the Licensing Authority, electronically.

53. Intimation of work order and time limit for intimation under section 50.-

- (1) Every contractor shall, within fifteen days of the receipt of a contract work order, intimate about the contract work order containing the details such as the name of the principal employer, address of the premises where work is being undertaken, date of commencement of the contract work, the number of contract labour employed under that work order, duration of work orders.
- (2) The details of work order shall be sent by the contractor or his authorized representative.
- (3) The intimation shall be sent electronically on the Portal of Commissioner of Labour or e-mail of the Commissioner of Labour of Labour or his representative as may be notified on the website of Commissioner of Labour.

54. Appeal under sub-section (1) of section 52.-

The Commissioner of Labour shall be appellate authority under sub-section (1) of section 52 of the Code.

55. Responsibility of Payment of wages under Section 55.-

- (1) The contractor shall fix the wage periods in respect of which wages shall be payable and no wage period shall exceed one month.
- (2) The wages of every person employed as contract labour in an establishment or by a contractor shall be paid before the expiry of seventh day after the last day of the wage period in respect of which the wages are payable.
- (3) The wages shall be disbursed through bank transfer or electronic mode only.

56. Making payment of wages from the security deposit amount under sub-section (4) of section 55.-

If the contractor or principal employer does not pay the wages to the contract labour employed by him, the Commissioner of Labour/Director of Labour or his representative or the competent officer as may be notified shall conduct or cause to be conducted, an inquiry and after giving an opportunity to be heard to the contractor shall pass an order to make payment if any, of such wages from the amount deposited by the contractor as security deposit. The contractor shall re-furnish the security deposit within a period of fifteen days or else his license will be liable to be suspended.

57. Experience Certificate under section 56.-

Every concerned contractor shall issue on demand, experience certificate in Form 27 to the contract labour giving details of the period, work performed, experience gained in various fields performed by such contract labour.

58. Prohibition of employment of contract labour under clause (b) of sub-section (2) of section 57.-

If a question arises as to whether any activity of an establishment is a core activity or otherwise, the aggrieved party may make an application, to the Deputy Secretary, Government of Gujarat, Labour, Skill Development and Employment Department giving reasons along with supporting documents.

Part-II**INTER-STATE MIGRANT WORKERS****59. Journey allowance to Inter-State Migrant Worker under Section 61.-**

The employer shall pay a lump sum amount on account of fare for to and from journey to inter-state migrant worker by train (not less than II Class Sleeper) or by bus or any other mode of passenger transport from the place of employment to the place of residence in the home-state in the event of the following, namely:-

If he has worked for a period of not less than 180 days in the concerned establishment(s) in preceding twelve months:

Provided that the journey allowance shall be given to an inter-state migrant worker once in twelve months. In the event of change of employer by the inter-state migrant worker during the middle of the employment period and has not availed the journey allowance from his previous employer, then on the basis of a certificate to be given by inter-state migrant worker, the employer where the inter-state migrant worker is now working and the such worker has completed one hundred and eighty days in preceding twelve months including the period spent with the previous employer, then the employer shall give journey allowance.

60. Setting up of a Toll Free helpline number to the inter-state migrant worker under Section 63.-

A Toll-Free help-line number shall be provided by the Labour, Skill Development and Employment Department, to address queries and grievances of the inter-state migrant workers.

61. Study of inter-state migrant workers under Section 64.-

The State Government may identify the studies to be carried out to promote safety, health and welfare of inter-state migrant workers. Wherever required the State Government may also consult the expert organizations involved in the safety, health and welfare of inter-state migrant workers.

Part III Audio –Visual Workers**62. Agreement for audio-visual worker under section 66(3).-**

The Form of agreement for the audio-visual workers as provided under rule 88 of the Occupational Safety, Health and Working Conditions (central) Rules, 2020 shall be registered with the competent authority as may be notified by the State Government under the Code. After registration the same shall be forwarded by the employer to the Chief-Inspector-cum- Facilitator.

63. Dispute Resolution process under section 66(4)(vii).-

Dispute resolution process or mechanism, Constitution and other details shall be same as provided under the Industrial Relations Code, 2020 and rules framed thereunder.

Part-IV**BEEDI AND CIGAR WORKERS****under section-74****64. Application for License.-**

- (1) Every application for the grant of a license shall be made on-line electronically through Portal of the Commissioner of Labour in **Form 28** to the designated authority notified by the State Government under sub-section (1) of section 119 of the Code.
- (2) The application shall be accompanied by the following documents, namely:-
Plan showing—
 - (i) The site of such place or premises, the areas therein to be used for manufacturing processes and the immediate surroundings of such place of premises, including adjacent buildings structures, roads, drains and the like; and
 - (ii) the plan, elevation and necessary, cross-sections of, the details relating to natural lighting, ventilation, means of escapes in case of fire, position of the plant and machinery, if any, used, aisles and passage-ways, in or in relation to the various buildings which are intended to be used for manufacturing processes;
- (3) Before granting a license, the Competent Authority shall also take into consideration whether the site of any industrial premises is proposed to be altered or whether any industrial premises has been closed, by the applicant during the period of twelve months immediately preceding the date of the application with a view to causing prejudice to the interests of the labour.

65. Fees.-

- (1) The fees to be paid for the grant or renewal of a license under sub-section (2) and sub-section (6) of section 74 shall be specified in the Table below:

If the no. of Employees proposed to be employed on any day during the financial year for which the license is required or renewed	Fees for the Industrial Premises in which power driven machinery is used 1	Fees for the Industrial Premises in which power driven machinery is not used 2
10 or more but does not exceed 20 employees	150	100
20 but does not exceed 50 employees	250	200
50 but does not exceed 100 employees	350	300
100 but not exceeding 250 employees	650	600
250 and above	1050	1000

- (2) Every license granted or renewed under clause (e) sub-section (4) of section 74 shall be subject to the following conditions, namely: -
- (i) the manufacturing process shall be carried on only in that part of the industrial premises specified for the purpose in the license;
 - (ii) the maximum number of employees employed in the industrial premises shall not on any day exceed the number specified in the license;
 - (iii) power-driven machinery not specified in the license shall not be used in the manufacturing process in the premises;
 - (iv) except with the prior permission in writing of the competent authority the industrial premises shall not be extended and except with the like permission, no structural alterations shall be made on any building on such premises;
 - (v) the license shall not be transferable;
 - (vi) the fees paid for the grant or renewal of the license shall be non-refundable.

66. Application for Renewal.-

- (1) Every application for renewal of a license under sub-section (6) of section 74 shall be made in **Form 28** as prescribed under sub-section (1) section 119 to the competent authority.
- (2) Every such application shall be submitted on the said portal at least 30 days prior to expiry of license period but not before 90 days of such expiry of license:

Provided that if the application for renewal is not received within the time specified in sub-rule (2), an additional fee of twenty-five per cent, shall be payable for such renewal.

- (3) The provisions of sub-rule (2) of rule 64 shall, so far as may be, apply to an application made under this rule.

67. Appeal.-

- (1) An appeal under section 75 shall be made in writing within period of thirty days from the date of receipt of the order sought to be appealed against.
- (2) The fees payable in respect of an appeal under section 75 of the Code shall be rupees one hundred.

68. Work permission outside premises and its records.-

The employer shall make an application electronically or otherwise, for the work required to be carried out outside the industrial premises under section (1) of section 76 shall be in **Form 29**, subject to the general welfare, health and safety of the employees engaged as well as the locality and the record to be maintained by the employer shall be in **Form 30**.

Part V – Factories

under section 79

69. Approval of plans.-

- (1) No building or premises for a factory shall be constructed, reconstructed, extended or taken into use as a factory or part of a factory unless previous permission in writing is obtained from the Chief Inspector cum Facilitator of Factories

An Application for obtaining previous permission for the site on which the factory is to be situated and for the construction or extension of a factory shall be made to the Chief Inspector cum Facilitator of Factories:-

- (2) Application shall be in electronic mode and accompanied by the following documents, namely: -
 - (a) **Form 31** duly filled in by the applicant;
 - (b) The process flow diagram of manufacturing process supplemented by a brief description of process indicating the names of raw materials, intermediates and finished products with their inventories. In the case of chemical substances, their chemical names and storage quantities shall be mentioned;

- (c) Plans in duplicate drawn to scale showing –
 - (i) the site of the factory and immediate surrounding including adjacent buildings and other structures, roads, drains, etc.
 - (ii) Detail drawings which include plan, elevation and necessary cross sectional elevations of the various buildings and structures including all relevant details relating to natural lighting, ventilation and means of escape in case of emergency. The plans shall also clearly indicate the lay-out of the plant and machinery, position of aisles and passage-ways, the latrines and urinals and other sanitary provisions but plan shall be without any structure detail.
- (d) particulars in connection with the maximum number of workers to be employed in each work room, together with the area of ventilating openings and cubic space available per worker to be employed in each room;
- (e) Particulars in connection with other requirements of the code and the rules and the Schedule there under applicable to the proposed factory;
- (f) Such other particulars as the Chief Inspector cum Facilitator of Factories /Director Industrial Safety and Health may require.
- (3) If the Chief Inspector cum Facilitator of Factories-is satisfied that the plans are in consonance with the requirements of rules, he may order approving the plans subject to such conditions, if any, as he may specify for fulfilment of the requirements. Such plans that are approved within the period not exceeding thirty days, shall be issued by Chief Inspector cum facilitator of factories and also inform the applicant.
- (4) Where a Chief inspector cum facilitator of factories refuse to grant a permission to the site, construction, reconstruction, or an extension of a factory, the applicant may within 30 days of the date of such refusal, appeal to the State Government.

70. Certificate of Stability.-

- (1) No manufacturing process shall be carried out in any premises of a factory constructed, re-constructed, altered, repaired or extended or increase in machinery or change in process in any existing factory until a Certificate of Stability in **Form 32** in respect thereof, has been submitted to office of the Inspector-cum-Facilitator of factories
- (2) Certificate of Stability” in **Form 32** shall be signed by Competent Person along with the tests, load calculation and analysis reports relating to stability:

Provided further that no manufacturing process shall be carried out in any premises of a factory unless a fresh certificate of stability in **Form 32** is obtained from a competent person once in each period of five years or after every extension, alteration, repairs or addition of machinery, plants etc. and sent to the Chief Inspector-cum-Facilitator of factories:

Provided also that, the foregoing provisions are without prejudice to the provisions of rules 48, 49.

Explanation: - “Work of engineering construction” means any building tank silo, scaffold, platform, chimney, bridge, supporting structural work, retaining wall or any similar structure.

71. Validity Period of Proposed Sanction.-

Every proposed approval shall become null and void if no construction started within 6 months from approval date.

72. Revocation of Sanction.-

The approval granted under these rule 69 can be revoked by the Chief Inspector-cum-Facilitator of factories if it is found that such approval has been obtained by the occupier or manager by misrepresentation of material facts or fraudulent document submitted along with the application or otherwise or the majority of construction is not being done in accordance with the approval granted.

73. Presumption of Sanction.-

If the Chief Inspector-cum-Facilitator of factories or any other official working on his behalf fails to convey approval or rejection or any observation within a period of 30 days of the receipt from any person of a valid application, the plans shall without prejudice to the provisions of these rule 69, be deemed to have been approved.

74. Prohibition of use of premises as factory without License.-

- (1) Occupier shall not use any premises as a factory or carry on any manufacturing process in a factory, unless a factory plan is approved by the Chief inspector cum facilitator of or license has been issued in respect of such premises and is in force for the time being.
- (2) It shall be the responsibility of occupier himself of the factory to get a valid license.

75. Application for registration and Grant of License.-

- (1) The occupier or manager of every factory to which the Code applies shall submit to the Chief Inspector cum Facilitator of Factories an application in **Form 33** for the license of the factory accompanied by an application with registration certificate as per section 3 of the Code:

Provided that the occupier and manager of a place to which the provisions of the code made applicable, shall submit an application within 30 days of the date of the notification. Every application in **Form 33** shall be accompanied by a treasury receipt, or digital payment receipt for payment of the purpose as specified in the **Schedule** below: -

SCHEDULE

Maximum B.H.P. installed on any one day of the year	Maximum number of workers to be employed on any day during the year								
	Up to 20	From 21 to 50	From 51 to 100	From 101 to 250	From 251 to 500	From 501 to 1000	From 1001 to 2000	From 2001 to 5000	From to 5001 and above
1	2	3	4	5	6	7	8	9	10
Fees Payable in Rupees									
Without power	390	750	1200	2400	4950	7950	15900	23700	31650
Up to 10 horse power	750	1200	1650	3150	6000	11850	23700	31650	39600
Above 10 horse power to Up to 50 horse power	1200	1650	2400	4950	7950	15900	31650	39600	47550
Above 50 horse power to Up to 100 horse power	1950	2400	3900	6900	11850	23700	39600	47550	55500
Above 100 horse power to Up to 250 horse power	3150	3900	6300	7950	15900	31650	47550	55500	64200
Above 250 horse power to Up to 500 horse power	3900	6000	7950	15900	23700	39600	55500	64200	71250
Above 500 horse power to Up to 1000 horse power	4950	6900	15900	23700	31650	47550	64200	71250	79200
Above 1000 horse power to Up to 2000 horse power	7950	15900	23700	31650	39600	55500	71250	79200	89100
Above 2000 horse power to Up to 5000 horse power	15900	23700	31650	39600	55500	71250	79200	89100	102900
Above 5000 horse power	31650	35700	39600	49500	59400	79200	91050	99000	116850

- (2) The Chief Inspector cum Facilitator of Factories may, on receipt of an application, and on payment of the relevant fees specified in sub-rule (1), and on being satisfied that there is no objection to the grant of licence applied for, register the factory and grant the licence in **Form 34** to the applicant to use as factory such premises as are specified in the application and subject to compliance with such conditions as are specified in the licence.
- (3) The Chief Inspector cum facilitator of factories may refuse to grant of licence of the factory, if he is satisfied: —
- (i) that an application is not accompanied by plans: - (a) of the site on which the factory is to be situated, (b) for the construction or extension of the factory, or
 - (ii) that the application is accompanied by plans which have not been approved or the condition subject to which they are approved have not been complied with, or
 - (iii) that material requirements of the relevant provisions specified in Schedule to sub-rule (1) of these rules in relation to the factory concerned have not been complied with, or
 - (iv) that there is imminent danger to life in the factory due to explosive or inflammable dust, gas or fumes and effective measures, in his opinion have not been taken to remove the danger. Subject to the provisions hereinafter contained with respect to cancellation and unless earlier renewed under these rules, every such licence shall remain in force, till the date of expiry mentioned in the Licence. until the date of 1st day of December of next following year and shall then expire.)
- (4) Notice of appointment of new Manager

The notice of appointment of a new manager shall be sent in **Form 35**.

76. Amendment of Factory Licence.-

- (1) A licence granted under rule 75 may be amended by the Chief Inspector cum facilitator of factories or the Joint Chief Inspectors cum facilitator of factories-within their local Limits.
- (2) A licensee shall be required to get his licence amended if there is a change in the name of factory, or if the factory for which the licence is granted exceeds the limits specified in the licence in regard to horse-power or the number of persons employed. The licensee whose licence is required to be amended one shall submit it to Chief Inspector cum Facilitator of Factories or the Inspectors cum facilitators of factories within their Local limits so as to reach him within a period of 30 days from the date the event requiring amendment of the licence occurs with an application stating the nature of the amendment and reasons therefor:

Provided that no amendment of the licence shall be necessary in respect of changes in the number of workers or horse-power or both unless such changes involve higher licence or renewal fee.

- (3) Where a licence is required to be amended under sub-rule- (2) the fee to be paid for such amendment shall be equal to the difference between the licence or renewal fees on the basis of the higher number of workers and horse power and fees for the grant of licence or renewal thereof already paid for the year or part thereof.
- (4) If the application for the amendment of licence is received at any time after the expiry of the period specified in sub-rule (2) then notwithstanding any action which may be taken against the licensee for such default, the licence may be amended on payment of an additional fee equal to 25 per cent of the fee payable under sub-rule (3).
- (5) If any change required in factory licence which relates to registration of factory, copy of application made for the amendment of factory registration under the code as per section 3(1)(4) shall be attached with the application.

77. Renewal of License.-

- (1) An application for the renewal of licence shall be sent by registered post to the Chief Inspector cum facilitator of factories or the inspector cum facilitator of factories within their Local limits in **Form 33** accompanied by a treasury receipt, or digital payment receipt, for payment of the fees specified in the Schedule to rule 75, so as to reach him not later than 60 days before the date on which the licence is due to expire:

Provided that where a factory commences work on or after the 1st day of November in any year, application for renewal of the licence shall be made on or before the 1st day of January of next following year:

Provided further that an application for the renewal of licence may be made for 10 consecutive years. The payment of fees for the renewal of licence may be 10 times of the fees specified in the schedule to rule 75.

- (2) On receipt of the application under sub-rule (1), Chief Inspector cum Facilitator of Factories or the Inspector cum Facilitator of Factories within their Local limits may, if he is satisfied that there is no objection of the renewal of the licence, renew the same or may, after recording his reason refuse the renewal of licence applied for on any of the grounds specified in sub-rule (3) of rule 75:

Provided that where the application for the renewal of the licence is made after the expiry of the period specified in sub-rule (1), it may be renewed on payment of an additional fee of 25 percent of the fee payable for the renewal of the licence.

78. *Transfer of Factory Licence.-*

- (1) The holder of a licence may, at any time before the expiry of the licence, apply for permission to transfer his licence to another person.
- (2) Such application shall be made on the Chief Inspector cum facilitator of factories or the Inspector cum Facilitator of Factories within their local limits who shall enter upon the licence, under his signature, an endorsement to the effect that the licence has been transferred to the person named.
- (3) A fee of 10 % of one year renewal fees shall be charged on each such application.
- (4) In case of transfer of factory licence which relates to registration of establishment, copy of application made for the amendment of establishment registration under the Code as per section 3(1)(4) shall be attached with the application.

79. *When licence deemed to be granted or renewed.-*

Where an application for the grant or renewal of licence is duly made in accordance with these rules, the factory in respect of which the licence is to be granted or renewed, as the case may be, shall be deemed to be duly licensed until such licence is granted or renewed or until an intimation that the grant or renewal of the licence had been refused is communicated to such person.

Explanation:- For the purpose of this rule, an application for the grant or renewal of a licence shall be deemed to have been duly made only if it is in the form specified thereof and is filled in with all relevant particulars and further is accompanied by a treasury receipt, or digital payment receipt for payment of the fees in accordance with the Schedule annexed to Rule 75.

80. *Procedure on Death or Disability of Factory Licensee.-*

If a licensee dies or becomes insolvent, the person carrying on the business of such licensee shall not be liable to any penalty under the Code for exercising the powers granted to licensee by the licence during such time as may be reasonably be required to allow him to make an application for the amendment of the licence under rule 76 in his own name for the unexpired portion of the original licence.

81. *Suspension or cancelation of Factory License.-*

- (1) If before the 31st October of any year, an occupier notifies his intention in writing to the Chief Inspector cum Facilitator of Factories or the Inspector cum Facilitator of Factories that during the year following the premises in respect of which licence is issued will not be used for the working of the factory, or it is found that the occupier has carried out business which is prohibited by any other law in force, the Chief Inspector cum Facilitator Factories or the Inspector cum Facilitator of Factories within their local limits may suspend or cancel the licence granted in respect of such factory.
- (2) A licence suspended under sub-rule (1) may be revived on receipt of an application for renewal in **Form 33** accompanied by the licence for the remaining part of the year on payment of the 25 % of the relevant fees specified in rule 75 or in case of cancelation of license may be restored on production of sufficient proof of legacy or legal document.

- (3) In case of licence application rejection, closer of factories, surrender of license as the case may be, fees paid by the applicant shall be forfeited with prior intimation to the applicant with approval by the Chief Inspector cum facilitator of factories

(4)

- (a) The occupier and the Manger shall be jointly or severally responsible for sending information in duplicate, to the Inspector cum facilitator of Factories of any intended closure of the factory or any shift, section or department thereof, immediately after it is decided to do so, and before the closure takes place stating:

- (i) the date of intended closure ;
- (ii) the reasons for closure ;
- (iii) the number of workers on the muster-roll of the factory on the day the information is sent ;
- (iv) the number of workers likely to be affected by the closure; and
- (v) the probable period of closure:

Provided that in the case of any factory in respect of which Standing Orders settled or certified under the Code on Industrial Relation, 2020 ,as the case may be, provide for the display on the notice boards of the factory a notice of the proposed closure of the factory or any shift, section, or department thereof such information to the Inspector cum facilitator of factories shall be given on the date on which such notice is displayed:

Provided further that it shall not be necessary for the occupier or manager to send information of intended closure if the closure is rendered inevitable on account of fire, breakdown of machinery, stoppage of power or water supply or any other cause beyond his control.

- (b) The occupier and the manager shall be jointly or severally responsible for sending information in duplicate to the Inspector cum facilitator as soon as the factory or any shift, section or department thereof, is actually closed ~~in~~ with the following details, namely:-

Name of factory and full address	Name of Industry*	Date of closure*	Reasons for closure	Name of closure whether, entire or partial, if partial the shift, section of department closed	Number of workers on the muster roll of factory at the time of closure	Number of workers affected by the closure.
1	2	3	4	5	6	7

Class of Industry whether (1) Cotton Textile, (2) Silk Textile, (3) Woolen Textile, (4) Hosiery, (5) Engineering or (6) Miscellaneous should be stated.

- (c) The occupier and the manager shall be jointly or severally responsible for sending also information in duplicate to the Inspector cum facilitator of factories as soon as the factory or any shift, section or department thereof is re-opened with the following details, namely: -

Name of factory and full address	Name of Industry	Date of closure	Number of workers affected at the time of closure	Factory or any shift, section or department thereof opened	Number of workers on muster roll at the time of re-opening	Number of workers re-employed (ii) newly employed
1	2	3	4	5	6	7

Class of Industry whether (1) Cotton Textile or (2) Silk Textile, (3) Woolen Textile, (4) Hosiery, (5) Engineering or (6) Miscellaneous should be stated.

Explanation 1. – For the purpose of this rule, “closure” means the closing of a factory, or any shift, section or department thereof or the total or partial suspension of work (other than work of a temporary nature) by the occupier or manager of the factory or total or partial refusal by the occupier for manager of the factory to continue to employ persons employed by him where such refusal does not amount to the discharge, dismissal or suspension of a worker or workers by way of punishment.

Explanation 2. – This rule shall not apply in the case of a closure of any section or department of a factory if such closure does not affect the total number of workers employed in the factory.

82. Liability of owner of premises in certain circumstances under section 80. -

- (1) Where in any premises separate buildings are leased to different occupiers for use as separate factories, the owner of the premises shall be responsible for the provision and maintenance of common facilities and services such as approach roads, drainage, water supply, lighting, sanitation, fire prevention and protection system, access, hygiene, ventilation, temperature, canteens, shelter, rest rooms and crèches shall jointly and severally be responsible for provision and maintenance of such common facilities and services.
- (2) The Chief Inspector cum facilitator of factories shall have, subject to the control of the State Government power to issue orders to the owner of the premises in respect for the carrying out the provisions of sub-rule (1).
- (3) Where in any premises, independent or self-contained, floors or flats are leased to different occupiers for use as separate factories, the owner of the premises shall be liable as if he were the occupier or manager of a factory, of any contravention of the provisions of this Code in respect of-
 - (i) latrines, urinals and washing facilities so far as the maintenance of the common supply of water for these purposes is concerned;
 - (ii) fencing of machinery and plant belonging to the owner and not specifically entrusted to the custody or use of an occupier;
 - (iii) safe means of access to the floors of flats, and maintenance and cleanliness of staircases and common passages;
 - (iv) fire prevention and protection system with sufficient quantity and supply of water in case of fire;
 - (v) maintenance of hoists and lifts; and
 - (vi) maintenance of any other common facilities provided in the premises.
- (4) The provisions relating to the liability of the owner shall apply where in any premises independent rooms with common latrines, urinals and washing facilities are leased to different occupiers for use as separate factories:

Provided that the owner shall be responsible also for complying with the requirements relating to the provisions and maintenance of latrines, urinals and washing facilities.
- (5) The Chief Inspector cum facilitator of factories shall have, subject to the control of the State Government, the power to issue order to the owner of the premises referred to in this rule of the carrying out the provisions of this rule.
- (6) Where in any premises portions or room or a shed are leased to different occupiers for use as separate factories, the owner of the premises shall be liable for any contravention of the provisions of this rule.

83. Appeal against the order of an Inspector cum Facilitator in case of factory under section 90.-

- (1) The Occupier or manager of a factory aggrieved by an order of the Inspector-cum-facilitator of factories, within 7 days from the date on which the order is communicated to him, may make an appeal to the Chief Inspector-cum-Facilitator of factories who shall, after giving the appellant, an opportunity of being heard, dispose of the appeal as expeditiously as possible:

Provided that the Chief Inspector-cum-facilitator may entertain the appeal after the expiry of the said period of 7 days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time:

- (2) The Occupier or manager of a factory aggrieved by the order by the Chief Inspector cum Facilitator of Factories may, within 7 days from the date of which the order is communicated to him, may make an appeal to the State Government, it shall after giving the appellant an opportunity of being heard, dispose of the appellant as expeditiously as possible:

Provided that the State Government may entertain the appeal after expiry of the said period of 7 days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time:

Chapter – X

under section 114

84. Manner of compounding of offences by the authorised officer specified under sub-section (1) of section 114.-

- (1) The officer notified by the State Government for the purposes of compounding of offences under sub-section (1) of section 114 shall issue electronically a compounding notice for the offences for which are compoundable under sub-section (1) of section 114.
- (2) The person so noticed may apply the officer electronically and deposit the entire compounding amount by electronic transfer or otherwise, with in fifteen days of the receipt of the notice.
- (3) The compounding officer shall issue a composition certificate with in ten days of receipt of the composition amount, to such person from whom such amount has been received in satisfaction of the composition notice.
- (4) If a person so noticed fails to deposit the composition amount with in the one month before the institution of prosecution, the prosecution shall be proceeded with before the competent court.
- (5) No prosecution shall be instituted without giving an opportunity to the employer to comply with such provisions subjected to proviso of sub-section (1) of section 110 and compounding as under section 114.

Chapter – XI

Under section-119

85. Common licence for contractor, factories and to industrial premises, etc under section 119.-

- (1) Notwithstanding anything contained in these rules, any person desirous of obtaining common licence for an Establishment in respect of a factory, industrial premises for beedi and cigar work and for engaging contract workers or any combination thereof under the Code shall make an application to the authority designed by notification for the said purposed by the State Government.
- (2) The application for common license under sub-rule (1), shall be filed in **Form 28** and accompanied by total fees-as specified in the table under rule 49(3) for contractor and table specified under rule 65(1) for industrial premises for beedi and cigar work and prescribed under schedule of rule 75 (1) for factories or any combination thereof under these rules for an establishment.
- (3) On receipt of an application under sub-rule (1), the authority referred to in sub-rule (1) shall make such inquiry.
- (4) Where the authority referred to in sub-rule (1) is satisfied that the common license may be issued in respect of a factory, industrial premises for beedi and cigar work and for engaging contract workers or any combination thereof under the Code, such authority shall issue a license within 30 days of the receipt of application and validity of such common license in **Form 36** shall be for one calendar year.

FORM-1

(see rules 3, 4(1), 6)

Application for Registration for existing establishments/New Establishment/Amendment to certificate of Registration**A. Establishment Details.**

1. Retrieve details of Establishment through LIN:
2. Name of Establishment:
3. Location and Address of the Establishment:
4. Others details of Establishment:
 - a. Total Number of employees engaged directly in the establishment:
 - b. Total Number of the contract employees engaged:
 - c. Total Number of Inter-State Migrant workers employed:

5 (a) For factories:

Details of the manufacturing process	Full postal address and situation of the factory along with plan approval details	Name and address of the occupier and manager	Maximum number of workers to be employed on any day	Name of the chemicals to be handled and stored along with quantity
1	2	3	4	5

5 (b) For building or other construction work:

Type of Construction Work	Probable Date of Commencement of Work	Expected Date for Completion of Work	Details of Approval of the Local Authority/ Details of Contract given by the Government Department
1	2	3	4

6. Ownership Type/Sector:
7. Activity as per National Industrial Classification:
8. Details of Selected NIC Code:
9. Identification of the establishment e-sign/ digital sign of employer/representative:

B. Details of Employer:-

1. Name & Address of Employer / Occupier / Owner / Chief Executive/etc.:
2. Designation:
3. Father's/ Husband's Name of the Employer:
4. Email Address, Telephone& Mobile No:

C. Manager Details

1. Full name & Address of Manager or person responsible for supervision and control of the Establishment
2. Address of Manager:
3. Email Address, Telephone& Mobile No:

D. Contractor Details:

Name and Address Contractor	Email address& Mobile of Contractor	Name of Work	Maximum No. of Contract labour engaged	Date of Commencement / Probable date of Completion of work
1	2	3	4	5

E. Others Details:-

Signature/ E-sign/digital sign of employer

Date:-

Place:-

FORM-2

(see rule 4(3))

Certificate of Registration of Establishment

Registration No.

Date

A Certificate of registration containing the following particulars is hereby granted under sub section (2) of section 3 of the Occupational Safety, Health and Working Conditions Code, 2020 (.....of 2020) to
 (Name of the establishment)

1. Nature of work carried on in the establishment (Please tick mark)
 - (a) Factory
 - (b) Building or other construction work
2. Details of the Establishment:
 - a. Total Number of employees engaged directly in the Establishment:
 - b. Total Number of the employees engaged through contractor
 - c. Total Number of Contractors and their details:
 - d. Number of inter-state migrant workers engaged:

3 (a) For factories:

Details of the manufacturing process	Full postal address and situation of the factory along with plan approval details	Name and address of the occupier and manager	Maximum number of workers to be employed on any day
1	2	3	4

3 (b) For building or other construction work:

Type of Construction Work	Probable Date of Commencement of Work	Expected Date for Completion of Work	Details of Approval of the Local Authority/ Details of Contract given by the Government Department
1	2	3	4

4. Amount of registration fee paid.....
5. Remarks of registering officers.....

Date:

Signature/E-sign/DSC of Registering Officer

Place:

Seal/Stamp of the Registering Officer

Conditions of Registration

- (1) every certificate of registration issued under rule 8 shall be subject to the following conditions, namely:
 - (a) The certificate of registration shall be non-transferable;
 - (b) The number of workers employed in a factory directly and contract employees shall not, on any day, exceed the maximum number specified in the certificate of registration; and
 - (c) Save as provided in these rules, the fees paid for the grant of registration certificate shall be non-refundable.
- (2) The employer shall intimate the change, if any, in the number of workers or the conditions of work to the registering officer within 30 days
- (3) A copy of the certificate of registration shall be displayed at the conspicuous places at the premises where the work is being carried on.

Form –3*(see rule 4(11))***Register of Establishments**

Sr. No.	Nature of work	Registration No. and Date	Name and address location of the establishment registered	Name , address and contact details of employer	Total number of workers and Total Horse power (if any)	Total number of contract workers	Remark
1	2	3	4	5	8	9	10
	Factories						
	Contract work						
	Interstate Migrant Work						
	Any other Work (not covered above)						

Sr. No.	Nature of Work	Registration No. and Date	Name and Address, Location of the Establishment registered	Name, Address and Contact details of Employer	Total Number of Workers	Total Number of Contract Workers	Remark
1	2	3	4	5	8	9	10
	Building and Other Construction Work						

FORM-4*(see rules 4(12),8)***A Notice of Commencement / cessation of Establishment:**

1. Registration No:
2. Name and Address of Establishment:-
3. Name & Designation of employer/ Port authority (who has ultimate control over the affairs of the establishment):-
4. Full address to which communication relating to the establishment to be sent:-
5. Nature of work of the establishment:-
6. In case of the notice is for commencement of work the approximate duration of work:-
7. In case of cessation, the date of cessation:

I/We hereby intimate that the work of establishment having registration No.....
dated is likely to commence/ cessation is likely to be completed with effect from.....
(Date)/ On (Date)

In case of cessation of work:

I/we hereby certify that the payment of all dues to the workers employed in the establishment have been made and the premises are kept free from storage of hazardous chemicals and substances.

Signature of the Employer

To,
The Inspector-cum-Facilitator.....

FORM-5

(see rule 9(a))

Annual Health Examination Report

A. Demographics:

Question	Answer	Remarks
Name of the Worker:		
Age:		
Permanent Address:		
Gender:		
Total Number of family Members		
Total monthly family Income:		
Is the employee under ESI (Employees' State Insurance) Scheme? If yes, provide IP Number	Yes / No	
Is the employee under any other health scheme apart from ESI-Scheme? (If yes, provide the name of the scheme)	Yes / No	

B. Occupational History

Question	Answer	Remarks
Present Designation:		
Work Profile		
Duration of service in the present work profile		
Working Hours per shift:		
Night Shift Per Week		
Night Shift per Month		

C. Brief Review of Medical History: Diagnosed previously or currently under treatment or currently suffering from

Question	Answer (Yes/No)	Remarks
Anaemia		
Jaundice		
Asthma		
COPD		
History of Any other Lung Disease: (If Yes, Please Specify)		
Vertigo/Dizziness		
Diabetes Mellitus		
Hypertension		
Any Cancer (If Yes, Please Specify the Cancer)		
Chronic Low Back Pain		

Question	Answer (Yes/No)	Remarks
Chronic Pain in hand or Elbow		
Hernia		
Hydrocele		
Varicose Vein		
Haemorrhoids		
History of amputation/fracture/dislocation injury during work (If Yes, please specify)		
Dermatitis (If Yes, specify Site)		
Hearing Impairment		
Visual Impairment		
Any Major Illness requiring hospitalization in last 1 year(If Yes, Name of the Disease)		
Occupational Injury in Last 1 year: if yes Specify the Location of injury and frequency		

D. Current Symptoms-Diseases Module

Question	Answer (Yes/No)	Remarks
Smoking habit		
Chewing Tobacco or Pan Masala or Gutkha:		
Alcohol Addiction		
Dermatosis (Irritant Contact		
Dermatitis/Eczema/Chloracne/Allergic Contact Dermatitis):		
Mucosal Irritation of eyes/Nose/Throat with response to chemical agent or biological agent:		
Symptoms like Respiratory Difficulty/ Chest Tightness		
Dry Cough at beginning of shift:		
Currently suffering from TB:		
Jaundice or Hepatitis		
Currently suffering from Low Back Pain / Pain in hand or Elbow: / Visual Problems / Hearing Problems		
Any current injury (amputation/ fracture/ dislocation)		

E. Physical Examination**Date of Examination:**

Question	Answer (Yes/No) or as appropriate	Remarks
General Skin Condition: (If Any Dermatitis, please mention its location)		
Weight (in Kg):		
Height (in Meter)		
Temperature (0F):		
BP:		
Pulse:		
SpO2:		
Respiratory Rate:		
Examination of Breast of female-employee		

F. Investigation Report

- ☐ **Routine Blood Investigation: Attach the photocopy of the report**
- ☐ **Blood Grouping & Rh Typing and HB Electrophoresis Once in a lifetime**

Parameter Answer	(Normal/Increase/Decrease)	Value
Hb%:		
Total WBC Count and Differential Count:		

Platelet Count		
ESR:		
FBS:		
PPBS:		
HBA1C level		
BUN:		
Creatinine:		
Total Protein		
Albumin		
Globulin		
SGOT		
SGPT		
Bilirubin		
Urine RE		
Urine ME		
Prostate Specific Antigen (PSA)		

G. Standard Chest X Ray (PA) View: attach the photocopy of the report**Date**

Parameter	Answer (Normal/Abnormal)	Value (if any important)
Report		

H. Eye Examination: attach the photocopy of the report**I. lead ECG and Echocardiography: Final Report****J. MEDICAL FITNESS TESTS FOR PERSONS WORKING AT HEIGHT (as may be applicable):**

1. Detailed Medical History and in-Depth General Medical Examination including tests for Vision, Hearing, Musculoskeletal System, Respiratory System, Cardiovascular System etc.

As applicable to all employees

2. Special Examination

- a) Cardiovascular, Uncontrolled hypertension or ischemic heart disease will be a contraindication. In the presence of hypertension and abnormal ECG findings, the employee should be referred to a Cardiologist for fitness.
- b) Tests for Labyrinthine functions and for sense of position Eye Examination for Bilateral Nystagmus, Romberg sign. The presence of bilateral nystagmus and a positive Romberg sign will be an absolute contraindication.
- c) Neurological examination Evaluate seizure disorders: CT Scan of Brain and E.E.G if indicated
- d) Assessment of Diabetic Control Status: (in case of employees suffering from Diabetes Mellitus)
- e) Assessment of Phobia (Acrophobia) and any other Mental Health Disorder like Anxiety or Depression
- f) Evaluation for Vertigo and Dizziness

For use of Industrial Safety Section:

Walking freely over a horizontal bar at 1 ft. height: PASS / FAIL

Wearing a safety belt and tying the rope knot: PASS/ FAIL

Walking over a horizontal structure at 9 ft. height wearing a belt: PASS/ FAIL

General physique (O.K. /NOT O.K): PASS/ FAIL

K. Any other information/examination/biological investigation/test as mutually agreed by the Occupier and qualified medical practitioner.**Date:****Signature**

Form No. 6*(see rule 11(A)(3))***Report of Accident Including, Dangerous Occurrence Resulting in Death or Bodily Injury**

ESIC Employer's Registration No.....

Code No.

Name and address of local Licence No

ESIC office (As given in the licence)

1. Name and address of factory
2. Name, address and telephone number of the occupier
3. Nature of Industry (As given in the Licence)
4. Date, shift and hour of accident or dangerous occurrence
5. Department section and exact place where the accident or dangerous occurrence took place
6. (a) Describe briefly how the accident or dangerous occurrence took place
- (b) Did it involve Explosion..... Fire.....
Substance(s)

Emission of toxic substance (s)emitted.....

7. Give the total number of persons injured / killed

Number of persons injured		Number of persons killed	
Inside the factory	*Outside the factory	Inside the factory	*Outside the factory

8. Name and address of witnesses
9. Cause of accident or dangerous occurrence

I certify that to the best of my knowledge and belief the above particulars are correct in every respect.

Signature of Manager/Occupier

Date : Name (In block letters)

Address and Telephone number

- Note:-
1. *If in any accident / dangerous occurrence, persons outside the factory premises are injured or killed please furnish the information to the extent available.
 2. Details regarding injury and persons injured / killed should be supplied in the format given in the Annexure

(To be completed by the Inspector of Factories)

1. Date of receipt of the report
2. District
3. (a) Number allotted to accident involving injury and/or liability
(b) Number allotted to dangerous occurrence involving reportable injury and /or fatality
4. Date of investigation
5. Classification of accident

- (a) Cause wise (Give code)
- (b) Industry wise (Give *NIC Code)
- (c) Dangerous operation wise (Give schedule number under Section 87)
- (d) Hazardous process-wise section 2(cb)
- (e) Occupation wise (NCO-code Number)
- 6. Result of investigation
- 7. Remarks, if any

Signature of the Inspector

Name (in block letters)

Date.....

*National Industrial Classification (NIC)

Annexure

Particulars of Persons Injured, Killed

1. Particulars of injured/killed person
 - (a) Name
 - (b) Age
 - (c) Sex
 - (d) Serial Number in the register of adult workers
 - (e) Address
 - (f) Precise occupation
 - (g) Nature of job
2. Cause of injury

Explosion.....Fire.....

Emission of Toxic substance Others (Please specify)
3. Particulars of injury
 - (a) Fatal (time and date of death)
 - (b) Non-fatal (If serious, give the extent of injury such as loss of limb/sight & hearing, fracture, permanent impairment, severe burns)
 - (c) State whether the injured person was disabled for more than 48 hours.
 - (d) Location of injury (i.e. part of body such as right leg, left hand, left eye, etc. injured)
4. (a) State exactly what the injured person was doing at the time of accident or dangerous occurrence.
 - (b) Does this work fall in the category of hazardous/ dangerous process or operations (please tick mark (.....) in the box.

Hazardous
process

Dangerous
process/operation
5. (a) Hour at which the injured person started work in the day of accident or dangerous occurrence.
 - (b) whether wages in full or part are payable to him for the day of accident or dangerous occurrence.

6. In case the accident or dangerous occurrence took place while travelling in the employer's transport, state whether-
 - (a) the injured person was travelling as a passenger to and from his place of work
 - (b) the injured person or implied permission of his employer.
 - (c) the transport is being operated by or on behalf of the employer or some other person by whom it is provided in pursuance of arrangements made with the employer :
 - (d) the vehicle is being/not being operated in the ordinary course of public transport service.
7. In case the accident took place while meeting emergencies, state:-
 - (a) its nature; and
 - (b) Whether the injured person at the time of accident was employed for the purpose of his employer's trade or business in or about the premises at which the accident took place
8.
 - (a) Physicians, dispensary or hospital from whom or in which injured person received or is receiving treatment,
 - (b) Name of dispensary/panel doctor selected by the insured person.

Form No.6-A

(see rule 11(A)(3))

Report of Dangerous Occurrence, Which Does Not Result in Bodily Injury

Registration Number Licence Number

*NIC Code Number

(As given in the licence)

1. Name and address of factory
2. Name, address and telephone number of the occupier
3. Name of the Manager
4. Nature of Industry
5. Department, Section and exact place where the dangerous occurrence took place.
6. Date, shift, and hour of dangerous occurrence.
 - (a) Type of dangerous occurrence (See overleaf)
 - (b) Did it Involve Explosion.....Fire
Emission of Toxic/ Flammable/Explosive Substance(s)
Substance(s) emitted.....

7. State exactly what happened

I certify that to the best of my knowledge and belief the above particulars are correct in every respect.

Signature of Manager

Date:

Name (in block letters)

Address and Tele. No.

(To be completed by the Inspector of Factories)

1. Date of receipt of the report
2. District
3.
 - (a) Number allotted to the dangerous occurrence not involving injuries and/or death
 - (b) Number allotted to "Major accident" not involving reportable injuries and/or death

4. Date of investigation
5. Cause
6. *NIC Code (As given in the licence)
7. Result of investigation.

Schedule

The following classes of dangerous occurrence, whether or not they are attended by personal injury or disablement:-

1. Bursting of a plant used for containing or supplying steam under pressure greater than atmospheric pressure.
2. Collapse or failure of a crane, derrick, winch, hoist or other appliances in raising or lowering person or goods, or any part thereof, or the overturning of a crane.
3. Explosion, fire, bursting out leakage or escape of any molten metal, or hot liquor or gas causing bodily injury to any person or damage to any room or place in which persons are employed, or fire in rooms of cotton pressing factories where a cotton opener is used.
4. Explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas.
5. Collapse or subsidence of any floor, gallery, roof, bridge, tunnel, chimney, wall, building or any other structure.

*National Industrial Classification (NIC)

FORM – 7

(see rules 11(B)(1), 11(B)(2), 11(B)(3))

Notice of Accident of Dangerous Occurrence

(For Building or other construction work)

E.S.I.C. Employer's Code number	:	E.S.I.C. Insurance
Number of the injured/died person	:	
1. Name of employer	:	
2. Address of works / premises Where the accident or dangerous Occurrence took place	:	
3. Nature of industry and LIN of the establishment	:	
4. Branch or department and exact place where the accident or dangerous occurrence took place	:	
5. Name and address of the injured/died person	:	
6. (a) Sex	:	
(b) Age (at the last birthday)	:	
(c) Occupation of the injured person	:	
7. Local E.S.I.C. Office to which the injured person is attached	:	
8. Date, shift and hour of accident or dangerous occurrence	:	
9. (a) Hour at which the injured person started work on the day of accident or dangerous occurrence	:	

- (b) whether wages in full or part are payable to him for the day of the accident or dangerous occurrence :
10. (a) Cause or nature of accident or dangerous occurrence :
- (b) If caused by machinery-
- (i) Give the name of machine and the part causing the accident or dangerous occurrence :
- (ii) state whether it was moved by mechanical power at the time of accident or dangerous occurrence :
- (c) State exactly what the injured person was doing at the time of accident or dangerous occurrence :
- (d) In your opinion, was the injured person at the time of accident or dangerous occurrence -
- (i) acting in contravention of provisions of any law applicable to him; or
- (ii) acting in contravention of any orders given by or on behalf of his employer; or :
- (iii) acting without instructions from his employer?
- (e) In case reply to (d) (i), (ii) or (iii) is in the affirmative, state whether the act was done for the purpose of and in connection with the employer's trade or business. :
11. In case the accident or dangerous occurrence took place while travelling in the employer's transport, state whether –
- (a) the injured person was travelling as a passenger to or from his place of works; :
- (b) the injured person was travelling with the express or implied permission of his employer; :
- (c) the transport is being operated by or on behalf of the employer or some other person by whom it is provided in pursuance of arrangements made with the employer; and :
- (d) the vehicle is being/not being operated in the ordinary course of public transport service :

12. In case the accident or dangerous occurrence took place while meeting emergency, state-
- (a) its nature; and :
- (b) whether the injured person at the time of accident or dangerous occurrence was employed for the purpose of his employer's trade or business in or about the premises at which the accident or dangerous occurrence took place. :
13. Describe briefly how the accident or dangerous occurrence took place :
14. Names and addresses of Witnesses :
- (1) (2)
15. (a) Nature and extent of injury (e.g. fatal, loss of finger, fracture of leg, scald, scratch followed by sepsis, etc.) :
- (b) Location of injury (e.g. right leg, left hand, left eye, etc.) :
16. (a) If the accident or dangerous occurrence was not fatal, state whether the injured person was disabled for more than 48 hours :
- (b) date and hour of return of work :
17. (a) Physician, dispensary or hospital from whom or which the injured person received or is receiving treatment :
- (b) Name of dispensary/panel doctor elected by the injured person :
18. (a) Has the injured person died? :
- (b) If so, date of death :

I certify that to the best of my knowledge and belief the above particulars are correct in every respect.

Date of dispatch of report:

Place:

Signature, Name, and Designation of **owner / employer /manager/ agent**

Form No. 8

(see rule 12 (A))

Notice of Poisoning or Notifiable Disease

¹ESIC Employer's Registration No.

Code No..... Licence No.

Name and address of the ²NIC Code No.

injured person..... (As given in the licence) Local ESIC Office.....

1. Name and address of factory
2. Name, address and telephone number of the occupier
3. Nature of Industry
4. Particulars of affected worker:-
 - (a) Name
 - (b) Age
 - (c) Sex
 - (d) Serial number as per Register of Adult/Child worker
 - (e) Address
 - (f) Precise occupation
 - (g) Nature of job
5. Nature of poisoning/disease (Give serial number and name as per the list overleaf)
6.
 - (a) Harmful agent or process to which poisoning or disease is attributed
 - (b) Approximate date of beginning and cessation of exposure of the worker to the harmful agent or process.
7. Has the case been reported to the Certifying Surgeon/Administrative Medical Officer, ESIC/Medical Inspector of Factories. Yes/No.

Signature of Manager Name (in block letters)

Date: Tel. No.

Note: -This notice should be sent forthwith to the following authorities;

1. Chief Inspector cum facilitator of Factories
2. Medical Inspector
3. Certifying Surgeon
4. Administrative Medical Officer, ESIC

(To be filled in by the Factory Inspector)

Number of the case Remarks

Date: Signature:

Name (In block letters) Designation

*Notice of poisoning or disease

Footnotes:

1. Employee's State Insurance Corporation (ESIC)
2. National Industrial Classification (NIC)

FORM – 9

(see rule 12 (B)(1))

Notice of Disease

(For Building or other construction work)

- (1) Name of establishment:
- (2) Address of Establishment:
- (2) Nature of establishment:
- (3) In case of Mines the Name of the Mineral:

- Date:

Register of Compensatory Holidays

Serial	Number in the Register	Name	Group or Relay No.	No. and date of exempting order	year	Weekly rest days lost due to the exempting order in				Date of compensatory holidays given in					
						January to March	April to June	July to September	October to December	January to March	April to June	July to September	October to December	Lost rest days carried to the next year	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

Overtime register for exempted workers

[illegible]

Normal rate of pay		Overtime rate of pay		'Earning during the month'			Date on which overtime payment made.
Per hour	Per piece	Per hour	Per piece	Normal	Overtime	Total (col. 15 +col.16)	
11	12	13	14	15	16	17	18

Note:

1. This register is to be maintained in respect of all workers, exempted under section -27
2. This register shall be preserved for a period of years after the last entry.
3. In column 9, equivalent hours of additional production of pieces reported in column as converted according to rule 25(3).

Form No. 12

(see rule 28)

Notice of period of work for adult workers

Name of Establishment	Registration No.....
Address.....	Licence No.....
District.....	*NIC Code No.....
First day of week.....	(As given in the licence).....

Periods of work	Men				Women				Identification of the Group		Remarks
	Total number of men employed				Total number of women employed						
Groups Relays	A 123	B 123	C 123	D 123	A 123	B 123	C 123	D 123	Alphabet assigned A,B,C etc.	Nature of work	
On working days									A		
From ...									B		
To ...									C		
From ...									D		
To ...									E		
From ...									-		
To ...											
From ...											
To ...											

Date on which this notice is first exhibited :

- * Describe the groups & Explain the nature of work against
Identification letter marked A,B,C,D,E.....
- * National Industrial Classification (NIC)

Signature of Manager
Name (In block letters)

FORM-13*(see rules 29(1) (A) and 38(3))***REGISTER OF WORKERS EMPLOYED IN AN ESTABLISHMENT, WAGES, OVERTIME, FINE, DEDUCTION FOR DAMAGE OR LOSS****Register of Wages, Overtime, Fine, Deduction for damage and Loss**

Name of the Establishment:

Name of the Employer:

Name of the Owner:

PAN/TAN of the Employer:

Labour Identification Number (LIN):

Sr. no. in Employee Register	Name of the employee	Designation / Department	Duration of Payment of Wages (Monthly/ Fortnightly /Weekly/Daily/Piece rated)	Wage Period From- To	Total no. of days worked during the period	Total overtime (hours worked or production in case of piece workers)	Rates of wages		
							Basic	DA	Allowances
1	2	3	4	5	6	7	8	9	10

Overtime earning	Nature of acts and omissions for which fine imposed with date	Amount of fine imposed	Damage or loss caused to the employer by neglect or default of the employee	Amount of deduction from wages	Total amount of wages paid	Date of Payment	Attendance	
							Date	Signature
11	12	13	14	15	16	17	18	19

Form No. 14*(see rule 29(1)(b))***Attendance Register (muster roll)**

Sl. No.	Serial number in the Register of adult /child worker	Name of worker	Father's/ Husband's name	Date of appointment	Group to which the worker belong		Number of relay If working In shift	Adolescent if certified as adult		Period of work
					Occupation	Alphabet Assigned		Number & date Of certificate	Token number under Section 68	
1	2	3	4	5	6	7	8	9	10	11

Daily attendance for the month of	Total number of man days worked	Man days lost due to					Any other person
		Strike	Lay off	Lockout	Leave with pay	Leave without pay	
12	13	14	15	16	17	18	19

Total of 1, 15 to Col. 20	Number of festival & national holiday	Number of weekly holidays (off) paid for	Total man days paid for *	Remarks
20	21	22	23	24

* sum of Col. 14 + col. 18 + Col. 22 + Col. 23 + (col. 15 to 17 if paid for).

FORM – 15

(see rule 29 (1)(e))

Wage Book

Name & Address of the Employer:

Name & Permanent Address of the Establishment:

Name & Address of the Establishment where building or other construction work carried on:

Nature of building or other construction work

Wages for the week/fortnight/month ending.....

1. No. of days worked
2. No. of units worked in case of piece rate work
3. Rate of daily/monthly wage/piece rate
4. Amount of overtime wages
5. Gross wages payable
6. Deductions, if any, on account of the following:
 - a. fines
 - b. damage or loss
 - c. loans and advances
 - d. subscription towards provident fund
 - e. any other deductions
7. Net amount of wages paid

Signature of Employer/Owner/Manager/Authorised Person

Seal/Stamp of the Establishment

FORM – 16

(see rule 29(1)(f))

Service Certificate

Name & Permanent Address of the Establishment:

Name & Address of the Establishment where building or other construction work carried on:

Nature of building or other construction work:

Name and Address of the Building Worker.....

Father's/Husband's Name.....

Age or Date of Birth.....

Identification Marks.....

Total Period for which employed							
Sr. No.	From	To	Nature of Work Done	Rate of Wages (with particulars of unit in case of piece rate)	If the building worker was a registered beneficiary his/her Registration No. & Name of the Board	Reasons/Grounds on which the employment terminated	Remarks
1	2	3	4	5	6	7	8

Signature of Employer/Owner/Manager/Authorised Person

Seal/Stamp of the Establishment

Form No.17

(see rule 30)

Register of adult workers

S. N.	Name	Date of Birth	Sex	Residential address	Father's/Husband's name	Date of appointment	Group of which worker belongs		Number of relay if working in shifts	Adolescent if certified as adults		Remarks
							Alphabet assigned	Nature of work		Number & date of certificate of fitness	Number under section 68	
1	2	3	4	5	6	7	8	9	10	11	12	13

FORM NO. 18

(see rule 31(1))

Identity Card

- (a) Name and address of the factory;
- (b) The full name and address of the worker;
- (c) Date of birth of the worker;
- (d) Date of joining the service in the factory;
- (e) Recent passport size photograph of the worker.

Signature or left thumb impression of the worker.

Signature of Manager or Authorized Agent.

Date of issue.

FORM-19*((see rule 32(1))***REGISTER FOR LEAVE WITH WAGES**

1. Name :	8. Date of discharge/dismissal/quitting employment/super annuation/death while in	10. Whether leave in accordance with scheme under section was refused :
2. Sex :	9. service Date of payment in lieu of leave with wages due in such ease :	
3. Father's/Husband's name :		
4. Serial number in the Register of adult/Adolescent worker :		
5. Department :		
6. Designation :		
7. Date of joining employment :		

Calendar year of service (i.e. previous year)	Leave due or on 1 st January of the year in column 1	Leave availed during the year		
		Dates		No. of days
		From	To	
1	2	3	4	5

Number of working days for computation of leave during the year mentioned in column 1					Regular leave earned for the year mentioned in col. 1	Balance of leave admissible on 1 st January of the year following the year mentioned in column 1 (Column. 2 + 11 – 5)
Days worked	Lay-off	Maternity leave upto 12 weeks	Leave with Wages enjoyed	Total (6 to 9)		
6	7	8	9	10	11	12

Date & Amount of payment made in lieu of leave due							Signature of worker
No. of days for which leave paid	Rate of wage as per Section-2(zzj) of the OSH code-2020	Total amount paid (Column. 13 x 14)	Discharged worker				
			Date of discharge	No. of balance days for which leave paid	Rate of wage as per Section-2(zzj) of the OSH code-2020	Date & Amount of payment made in lieu of leave due	
13	14	15	16	17	18	19	20

Form 20

((see rule 33(1))

Leave Card

[Shall be the same as “Register of Leave with Wages” (Form No.19) but shall be made out separately for each worker on a thick house sheet.]

FORM – 21

((see rule 35(1))

Notice of Wages & Wage Period

1. Name & Address of the Employer:
2. Name & Permanent Address of the Establishment:
3. Name & Address of the Establishment where building or other construction work carried on:
4. Nature of building or other construction work:
5. Normal Working Hours in the Establishment:
6. Rates of Wages of Building Workers working in the Establishment:
7. Wage Period:
8. Date of Wages paid:
9. Date of Payment of Unpaid Wages:
10. Details of Accident and Dangerous Occurrence in the Establishment for the Last Five Years:
11. Name and Address of the Inspector-cum-Facilitator having jurisdiction:

Signature of Employer/Owner/Manager/Authorised Person

Seal/Stamp of the Establishment

To,

The Inspector-cum-Facilitator

Form- 22

(see rule 36)

Register of accidents, major accidents and dangerous occurrences

	Serial number	1
	Date & time of notice	2
	Name and serial number of the person involved in the register of adult/child register	3
	ESIC Insurance number	4
	Date	5
	Injury/dangerous occurrence	6
		7
		8
		9
		10
	Name of the person giving the notice	11
	Name, address and occupation of two witnesses	12
	Date of return of injured Person to work	13
	Number of days the injured person was absent from the work including holidays and off days	14
	Signature and designation of the person who makes the entry with date.	15

FORM- 23
((see rule 37))
ANNUAL RETURN

UNIFIED ANNUAL RETURN FORM FOR THE YEAR ENDING.....

Single Integrated Return to be filed On-line under the Occupational Safety, Health and Working Conditions Code, 2020, the Code on Industrial Relations, 2020, the Code on Social Security , 2020, and the Code on Wages,2019

Instructions to fill up the Annual
Return

- (1) This return is to be filled-up and furnished on or before 28th or 29th February every year.
- (2) The return has two parts i.e. Part-I to be filled up by all establishments.
- (3) Part-II to be filled-up by the establishments who are a Mine only in addition to Part-I.
- (4) The terms Establishment and Mines shall have the same meaning as under the Occupational Safety, Health and Working Conditions Code,2020.
- (5) This return is to be filled-up in case of Contractor or manpower supplier who have engaged more than 50 workers and in case of Mines even if there is one worker employed in the relevant period.

Applicable to All Establishments - Part-I

A. General Information:

Sl. No.			Instructions for filling the column
1.	Labour Identification Number		EPFO, ESIC, MCA, MoLE (LIN)
2.	Period of the Return	From -To-	Period should be calendar year
3.	Name of the Establishment		
4.	Email ID		
5.	Telephone No.		
6.	Mobile number		
7.	Premise name		
8.	Sub-locality		
9.	District		
10.	State		
11.	Pin code		
12.	Geo Co-ordinates		
B (a).	Hours of Work in a day		
(b).	Number of Shifts		

C. Details of Manpower Deployed

Details	Directly employed				Employed through Contractor				Grand Total
Skill Category	Highly Skilled	Skilled	Semi-Skilled	Un-Skilled	Highly Skilled	Skilled	Semi-Skilled	Un-Skilled	
(i) Maximum No. of employees employed in the establishment in any day during the year	Male	Female	Transgender	Total	Male	Female	Transgender	Total	
(ii) Average No. of employees employed in the establishment during the year	Male	Female	Transgender	Total	Male	Female	Transgender	Total	
(iii) Migrant Worker out of (ii) above	Male	Female	Transgender	Total	Male	Female	Transgender	Total	
(iv) Number of fixed term employee engaged	Male	Female	Transgender	Total	Male	Female	Transgender	Total	

D. Details of contractors engaged in the Establishment:			
Sl. No.	Name with LIN of the Contractor	No. of Contract Labour Engaged	
E. Details of various Health and Welfare Amenities provided.			
Sl. No.	Nature of various welfare amenities provided	Statutory (specify the statute)	Instructions for filling
1.	Whether facility of Canteen provided (as per section 24(v) of OSH Code, 2020)	Tick yes or no in the box	Applicable to all establishments where in hundred or more worker including contract labour were ordinarily employed
2.	Crèches (as per section 67 of Code on Social Security Code, 2020 and Section 24 of the OSH Code2020)	Tick yes or no in the box	Applicable to all establishments where fifty or more workers are employed
3.	Ambulance Room (as per section 24(2)(i) of OSH Code, 2020)	Tick yes or no in the box	Applicable to mine, building and other construction work wherein more than five hundred workers are ordinarily employed
4.	Safety Committee (as per Section 22(1) of OSH Code, 2020.	Tick yes or no in the box	Applicable to establishments and factories employing 500 workers or more, factory carrying on hazardous process and BoCW employing 250 workers or more, and mines employing 100 or more workers.
5.	Safety Officer (as per section 22(2) of OSH Code, 2020)	No. of safety officers appointed	In case of mine 100 or more workers and in case of BoCW 250 or more workers are ordinarily employed.
6.	Qualified Medical Practitioner (as per Section 12 (2) of OSH Code 2020.	No. of Qualified Medical Practitioner appointed.	There is no specification for minimum number of Qualified Medical Practitioner employed in establishment. However, this detail is required to have data on occupational health.

F. The Industrial Relations:					Instructions for filling
1.	Is the Works Committee has been functioning. (section 3 of IR Code, 2020)		Yes/No		Industrial establishment in which 100 or more workers are employed
(a)	Date of its constitution.				
2.	Whether the Grievance Redressal Committee constituted (section 4 of IR Code, 2020)		Yes/No		Industrial establishment employing 20 or more workers are employed
3.	Number of Unions in the establishments.				
4.	Whether any negotiation union exist (Section 14 of IR Code, 2020)		Yes/No		
5.	Whether any negotiating council is constituted (Section 14 of IR Code, 2020)		Yes/No		
6.	Number of workers discharged, dismissed, retrenched or whose services were terminated during the year:				
	Discharged	Dismissed	Retrenched	Terminated or Removed	
7.	Man-days lost during the year on account of				
Sl. No.	Reasons	Period/ Date	No. of man-days lost	Loss in term of money	
(a)	Strike				
(b)	Lockout				

8.	Details of retrenchment / lay off							
Sl. No.	No. of persons retrenched During the period	Details of payment paid to retrenched employees	No. of workers laid off during the period	No. of man-days lost due to lay-off				
G. Details pertaining to maternity benefit:								
No. of female employees	No. of female Employees availed maternity leave	No. of female employees paid medical bonus	No. of deduction of wages, if any made from female employees					
H. Details of payment of bonus:								
No. of employees covered under the Bonus provision	Total amount of bonus actually paid	Date on which the Bonus paid						
I. Details of accidents, dangerous occurrence and notifiable diseases:								
Total number of accidents by which a person injured is prevented from working for a period of 48 hours or more as per Section 10 of the OSH Code, 2020.	Total number of fatal accidents and names of the deceased as per Section 10 of the OSH Code, 2020.	Total number of Dangerous Occurrences as defined under Section 11 of the OSH Code, 2020	Total number of cases of Notifiable Diseases specified in Third Schedule of the OSH Code, 2020 along with the details of affected persons					
J. Man days and Production Lost due to accidents / dangerous occurrence								
Accident/Dangerous Occurrence	Man days lost	Production Lost						

FORM 24*(see rule 44(1))***CERTIFICATE OF FITNESS BY MEDICAL OFFICER**

Serial number :

I certify that I have personally examined (name)
son of (Father's name)
residing at (address).....
who is desirous of being employed as (designation)in
(process, department and factory) and that his age,
as nearly as can be ascertained from my examination, is years, and that he is, in my opinion, fit/unfit for
employment in the above mentioned factory as mentioned above.

2. He may be produced for further examination after a period of

3. The serial number of the previous certificate is

Signature or left hand

Thumb impression of

Person examined. :

Signature of Certifying
Surgeon :

Date :

I certify that I examined the person mentioned Above on.	I extend this certificate Until (If certificate is not extended, the period for which the worker is considered unfit for work is to be mentioned).	Signs and symptoms observed during Examination.	Signature of the certifying Surgeon.

FORM-25*(see rule 47)***APPLICATION FOR LICENSE**

On Line Application for License/ Renewal of License/Amendment of License (including Common/single license)	
Government of Gujarat, Labour ,Skill Development and Employment Department	
ESTABLISHMENT PROFILE:	
Labour Identification Number	Date
Acknowledgement Number: Date of Application:	
I. Particulars of Establishment for which licence required:	
1. Name of Establishment:	
2. Address of establishment	
(a) Head Office address along with email Id :	
(b) Corporate office address along with email Id:	
3. Telephone Number :	
4. Activity as per National Industrial Classification : (Select all applicable activities given)	
5. Details of selected NIC Code:	
6. Nature of work carried on in main establishment :	
7. Identifier of the Establishment : (Select) : e-sign/digital sign	
II. Details of Employer:	
1. Full Name of Employer: relationship with establishment.	
2. Full Address of Employer:	
3. Email Id of employer:	
4. Mobile No. of employer:	
III. Particulars of the Contract Labour to be employed / is employed (If licence is required workwise)	

Locations of worksites	Name of works	Activity as per national industrial classification	Date of commencement	Date of completion	Name of Establishments in which contract labour is/proposed to be employed	Name Address, email id of the Site In charge
1	2		3	4	5	6

5. Maximum number of workmen proposed to be employed on the Establishment on any date: 24
6. Amount of Licence Fee: INR (Transaction Id :)
7. Amount of Security Deposit: INR (Transaction Id :)
IV. DETAILS OF ESTABLISHMENTS FOR WHICH COMMON LICENCE REQUIRED , (IF APPLYING FOR)

Type of Establishments	Name & Address of establishment	(i)Nature of work carried out in the establishment (ii) Activity as per National Ind'l classification	Date of commencement	Permanent establishment or probable date of completion	Maximum number of employees employed/ proposed to be employed	Maximum number of employees employed/ proposed to be employed
1	2	3	4	5	6	7

V. DETAILS OF ESTABLISHMENTS FOR WHICH SINGLE LICENCE IS REQUIRED (IF APPLYING FOR)
--

Name of States in which the establishments are situated	Name of each work	Maximum number of labour will be/is employed	Date of commencement	Permanent establishment or probable date of completion	Maximum number of employees employed/ proposed to be employed	Registration number, if obtained, then details thereof
1	2	3	4	5	6	7

Signature of Contractor	
(eSign/DSC)	
Note: This is an online application summary applied on Shram Suvidha Portal.	
<u>APPLICATION FOR RENEWAL OF LICENCE</u>	
1.LicenceNo.	Date :
2. LIN & PAN	
2. Name and address of the establishment:	
3. Date of expiry of previous licence :	
4. Whether the licence of the employer/contractor was suspended or revoked:	
5. Details of Fees paid : (Enclose e-payment receipt):Amount.... date of payment:	
E-sign /digital sign of the employer/contractor date:	

APPLICATION FOR AMENDMENT OF LICENCE :	
1. LicenceNo	Date:
2. LIN & PAN	
3. Name and address of the establishment:	
4. Details for which amendment is sought :	

(a). Maximum number of worker presently employed : (If there is increase in the maximum number of workers to be employed, then additional fees/security deposit as per law needs to be deposited:
(b). Details of fees paid through e payment date on which made :
(c) Other details requiring amendment in the licence issued (Necessary documents may be uploaded in support of change required)

E-sign /digital sign of the employer/contractor

date of application.

FORM-26

(see rule 48)

PROFORMA OF LICENSE

Licence No.-----

Reg. No.-----

Date of Reg.-----

Licence is hereby granted to.....
 for the premises known as
 situated at

For use as an establishment within the limits stated hereinafter, subject to provisions of the Occupational Safety, Health and Working Conditions Code, 2020, and the rules made thereunder.

The-----20...

Issuing Authority

Sl.No.	Period of issue	Valid For	Fee	Date of Payment	Excess fee for late payment	Date of payment	Signature of the Issuing Authority
		Maximum number of Contract labour /workers on any one day					

AMENDMENTS:

Year when Amended	Maximum number of Contract labour /workers on any one day	Date of payment of amendment fee	Date of Payment	Signature of the Issuing Authority

FORM-27

(see rule 57)

EXPERIENCE CERTIFICATE OF CONTRACT EMPLOYEE

<u>To whom so ever concerned</u>	
1.	Name of contractor/employer*:
2.	LIN/PAN No. of the contractor/employer *:
3.	Email Id of the contractor /employer*:
4.	Mobile No. of the contractor/employer *:
5.	Nature and location of work:
6.	Name of Principal Employer*:

7.	LIN/PAN No. of the Principal Employer:*
8.	Email Id of the Principal Employer :*
9.	Mobile No. of the Principal Employer:*
10.	Name of the worker*:
11.	UAN / Aadhaar No.:
12.	Mobile No. :
13.	Serial Number in the Employee Register:
14.	Registration number, date and name of the Board if the building and other construction worker is registered as a beneficiary:
15.	Period of Employment:
16.	Designation:

Seal and Signature of Contractor

*Please strike off whichever is not applicable.

FORM-28
(See rule 85(2))
APPLICATION FOR COMMON LICENSE

Application for License/ Renewal of License/Amendment of License (including Common/single license)					
Government of Gujarat, Labour, Skill Development and Employment Department					
ESTABLISHMENT PROFILE:					
Labour Identification Number			Date		
Acknowledgement Number:			Date of Application:		
I. Particulars of Establishment for which licence required:					
1. Name of Establishment:					
2. Address of establishment					
(a) Head Office address along with email Id :					
(b) Corporate office address along with email Id:					
3. Telephone Number :					
4. Activity as per National Industrial Classification : (Select all applicable activities given)					
5. Details of selected NIC Code:					
6. Nature of work carried on in main establishment :					
7. Identifier of the Establishment : (Select) : e sign/digital sign					
II. Details of Employer:					
1. Full Name of Employer/Occupier: relationship with establishment.					
2. Full Address of Employer/Occupier:					
3. Email Id of employer/Occupier:					
4. Mobile No. of employer/Occupier:					
**Details of all Occupier / Partners / Directors to be furnished along with					
III. A.Particulars of the Factory					
Factory Name	Full Address of Factory	Activity as per national industrial classification	Date of Applicability as Factory	Max Power to be used (HP)	Name of Establishments in which workers to be employed
1	2	3	4	5	6
Name, Residential address and Mobile No. of Manager					
Maximum number of workmen proposed to be employed on the Establishment on any date:					
Amount of Licence Fee: INR (Transaction Id :)					
Manufacturing Process To be carried out:					

III. B. Particulars of the Contract Labour to be employed / is employed (If licence is required work wise)						
Locations of worksites	Name of works	Activity as per national industrial classification	Date of commencement	Date of completion	Name of Establishments in which contract labour is/proposed to be employed	Name Address, email id of the Site In charge
1	2	3	4	5	6	7
Maximum number of workmen proposed to be employed on the Establishment on any date:						
Amount of Licence Fee: INR (Transaction Id :)						
Amount of Security Deposit: INR (Transaction Id :)						
IV. DETAILS OF ESTABLISHMENTS FOR WHICH COMMON LICENCE REQUIRED , (IF APPLYING FOR CONTRACT LABOUR WORK)						
Type of Establishments	Name & Address of establishment	(i) Nature of work carried out in the establishment (ii) Activity as per National Industrial classification	Date of commencement	Permanent establishment or probable date of completion	Maximum number of employees employed/ proposed to be employed	Maximum number of employees employed/ proposed to be employed
1	2	3	4	5	6	7
DETAILS OF ESTABLISHMENTS FOR WHICH SINGLE LICENCE IS REQUIRED (BEEDI AND CIGARS)						
1. Whether the applicant is a trade mark holder registered under prevailing trade and merchandise mark act.....						
2. Whether the proposed site of the industrial premises amounts to the alteration of the site of any existing premises and if so the reasons for such alteration.....						
3. Whether the beedies or cigars or both manufactured by applicant will be sold and marketed by himself or through proprietor or registered user of a prevailing trade and merchandise mark act or any other person.....						
4. Maximum number of labour will be/is employed at any time of the day.....						
5. Date of commencement of Work.....						
6. Plan of the places or premises, the area therein to be used for manufacturing processes the immediate surroundings of such places or premises etc.....						
7. Whether the employer has adequate financial resources to meet all the legal requirements relating to welfare of labour.....						
8. Previous experience of the applicant in the industry.....						
VI. DETAILS OF ESTABLISHMENTS FOR WHICH SINGLE LICENCE IS REQUIRED (IF APPLYING FOR Contract Labour Work)						
Name of States in which the establishments are situated	Name of each work	Maximum number of labour will be/is employed	Date of commencement	Permanent establishment or probable date of completion	Maximum number of employees employed/ proposed to be employed	Registration number, if obtained, then details thereof
1	2	3	4	5	6	7
APPLICATION FOR RENEWAL OF LICENCE						
Licence No. Date :						
Registration number :						
LIN & PAN (For Contract Labour Work Only)						
NIC code number: (As given in the licence)						

Name and address of the Factory / establishment:	
Full address to which communication shall be carried (where the factory address serves the purpose of communication also this information need not be given)	
A flow chart of the manufacturing process supplemented by a brief description of the process in its various stages, list of the raw materials used, intermediate products including mission of toxic, gases etc., finished products their quantities, methods of storage and handling, loading and transport and details of the arrangement for the disposal of trade waste and effluents, control or eliminate them (to be enclosed).	
Maximum number of workers to be employed on any day during the year. :	Installed power in horse power :
The period (not exceeding two years) for which license or renewal of license is applied for :	
Name and residential address of occupier:	Name and residential address of manager:
Amount of fee (Rupees) paid vide treasury challan on or by book adjustment vide order No. dated	
Date of expiry of previous licence :	
Whether the licence of the employer/contractor was suspended or revoked:	
Details of Fees paid: (Enclose payment receipt):Amount.... date of payment:	
sign of the Occupier / employer /contractor date:	
APPLICATION FOR AMENDMENT OF LICENCE :	
1.Licence No	Date:
2. LIN & PAN	
3. Name and address of the establishment:	
4.Details for which amendment is sought :	
(a). Maximum number of worker presently employed : (If there is increase in the maximum number of workers to be employed, then additional fees/security deposit as per law needs to be deposited:	
Power to be change (HP) :-	
Name change of Occupier	
change of Factory Name	
Change of Factory Address	
Nature of Manufacture processes to be carried out in the factory :	List of Processes
in case of application for amendment, indicate manufacturing processes carried out previously :	List of Processes
(b). Details of fees paid INR	payment date :
(c) Other details requiring amendment in the licence issued (Necessary documents may be attached / upload in support of change required)	

Sign of the Occupier / employer/contractor

date of application.

FORM NO. 29*(see rule 68)*

**APPLICATION FOR THE WORK REQUIRED TO BE CARRIED OUT
OUTSIDE THE INDUSTRIAL PREMISES**

1. Type of Establishment:
2. Name & Address of establishment:
3. Nature of work:
4. Place or Places where the work required to be carried out outside the industrial premises:
5. Date of commencement of Work:
6. Maximum number of employees employed:
7. Remarks:

FORM NO. 30*(see rule 68)***RECORDS OF OUTSIDE WORK**

1. Date:
2. Place or Places where the work required to be carried out outside the industrial premises:
3. Nature of work:
4. Name of Employees:
5. Remarks:

FORM NO. 31*(see rule 69(1)(2)(a))***Application for permission to construct, extend or take into use any building as a factory.**

1. Application for –

(a) Constructing new building.	
(b) Extending an existing building	
(c) Taking into use any building as factory	

(Tick one or more as applicable)
2. Applicant's name and address :
(In block letters)
3. Full name and postal address :
of factory.
 - a. Name
 - b. Address
(Town or village/Dist./Pin Code No.)
4. Please indicate also following details –
 - a. Nearest Police station – distance.
 - b. Nearest Railway Station – or steamer Ghat –
 - c. Nearest Public Hospital.
5.
 - a. Whether already registered as factory Yes / No.
 - b. If Yes,
 1. Registration No.
 2. License No.
 3. Date of renewal of License
 - c. Does it fall in hazardous category
under section 2(z), 2(za) ? Yes / No.
 - d. If so, has site been approved u/s 82,84,85? Yes / No.
 - e. If so, date of approval
6. Particulars of plant to be installed.
 *To be enclosed only if the site has not been
appraised in terms of Section 82,84,85.

7. Enclosures

- a. Flow chart of the manufacturing process Yes / No.
- b. Brief description of the process in its various stages Yes / No.
- c. Plan, in duplicate drawn to scale showing –
- i. the site of the factory and immediate surroundings including adjacent buildings and other structures, roads, drains, etc. Yes / No.
- ii. the plan, elevation and necessary cross-sections of the various building indicating all relevant details relating to natural lighting, ventilation and means of escape in case of fire. The plans shall also clearly indicate the position of the plant and machinery, aisles and passage – ways Yes / No.
- d. Such other particulars as required by the Chief Inspector at the time of submission of the application,

Signature of applicant.

Name of applicant
(In block letters)

Date:

Telephone Number

FORM NO. 32*(see rule 70)***CERTIFICATE OF STABILITY**

1. Name of the Factory
2. Village, town and district in which the factory is situated.
3. Full postal address of the factory.
4. Name of the Occupier of the factory.
5. Nature of manufacturing process to be carried on in the factory.
6. Number of floors on which workers will be employed.

I certify that, I have inspected the premises, the plans of which have been approved by the Chief Inspector by his letter No. Dated and examined the various parts including the foundations with special reference to the machinery, plant etc., that have been installed. I am of the opinion that all the works of engineering construction in the premises is/are structurally sound and that its/their stability will not be endangered by its/their use as a factory / part of factory for the manufacture of for which the machinery plant etc. installed are intended.

Signature

Qualification

Address

Date

[If employed by a company or association name and address of the company or association.]

FORM- 33*(see rules 75(1) and 77(1))***Application for New/Renewal of licence**

Registration number :

Licence number :

NIC code number:

(As given in the licence)

1. Full name of the factory :
2. Address :
3. Full address to which communication shall be carried (where the factory address serves the purpose of communication also this information need not be given)
4. A flow chart of the manufacturing process supplemented by a brief description of the process in its various stages, list of the raw materials used, intermediate products including mission of toxic, gases etc, finished products their quantities, methods of storage and handling, loading and transport and details of the arrangement for the disposal of trade waste and effluents, control or eliminate them (to be enclosed).
5. Maximum number of workers to be employed on any day during the year.
6. Installed power in horse power :
7. The period (not exceeding two years) for which license or renewal of license is applied for :
8. Name and residential address of occupier :
9. Name and residential address of manager :
10. Amount of fee (Rupees) paid vide treasury challan on or by book adjustment vide order No. dated

Signature of occupier:
Name(in block letters)
Telephone number :

Date :

Signature of manager:
Name(in block letters)
Telephone number :

FORM-34*(see rule 75(2))***PROFORMA OF LICENSE FOR FACTORY**

Licence No. ----- Reg. No. ----- DA. DATE / Date of Reg. -----

NIC: -

Licence is hereby granted to..... for the premises known as
..... situated at
..... For use as a Factory /
establishment within the limits stated herein after, subject to provisions of the Occupational Safety, Health and Working
Conditions Code, 2020, and the rules made thereunder.

The Plan of Factory is approved on Date: _____ Plan No. _____ by Chief inspector cum facilitator / Joint Chief inspector cum facilitator, (Region).

The ----- 20.

Chief inspector cum facilitator

Details of License

	Period of issue	Valid For		Fees Paid Rs.	Excess fee for late payment	Excess Fees Rs.	Date of Payment	Signature of the Issuing Authority
		Maximum number of Contract labour /workers on any one day	Max. Power used by Premises in HP					
Granted under Rule-75								
Renewed under Rule- 77								

Transfers

To whom transferred	Date of transfer	Transfer fee paid an Date of payment	Signature of the issuing authority

AMENDMENTS:

Date when amended	Amended		Amendment fee paid and date of payment	Additional fee paid and date of payment	Signature of the issuing authority
	Workers	Installed Power (Horse-power)			

Fees due for factory

FORM NO.35

(see rule 75(4))

Notice of change of Manager

Name of Factory

Registration Number

Postal Address of Factory

License Number

(Town / Village Pin Code Number)

- Name of the outgoing Manager
 - Date of relinquishing charge of outgoing manager
- Name of the new manager
 - Residential address
 - Telephone number
- Date of appointment of the new manager
- Signature of the new manager

Signature of occupier:
Name (in block letters)
Telephone number:

Date:

FORM-36

(See rule 85(4))

PROFORMA OF COMMON LICENSE

Licence No. -----

Reg. No. -----

DA. DATE / Date of Reg.-----

NIC: -

Licence is here by granted to.....for the premises known as situated at For use as a Factory / establishment within the limits stated hereinafter, subject to provisions of the Occupational Safety, Health and Working Conditions Code, 2020, and the rules made thereunder.

The Plan of Factory is approved on Date: _____ Plan No. _____ By Chief inspector cum facilitator / Joint Chief inspector cum facilitator, (Region).

The -----20.

Chief inspector cum facilitator

Details of License

	Period of issue	Valid For		Fees Paid Rs.	Excess fee for late payment	Excess Fees Rs.	Date of Payment	Signature of the Issuing Authority
		Maximum number of Contract labour /workers on any one day	Max. Power used by Premises in HP					
Granted under Rule-89								
Renewed under Rule- 91								

Transfers

To whom transferred	Date of transfer	Transfer fee paid an Date of payment	Signature of the issuing authority

AMENDMENTS:

Date when amended	Amended		Amendment fee paid and date of payment	Additional fee paid and date of payment	Signature of the issuing authority
	Workers	Installed Power (Horse-power)			

Fees due for factory

Fees due for beedi and cigar industries

Fees due for contract labour

Total fees due

By order and in the name of Governor of Gujarat,

GAGUBHA RAJ,
Deputy Secretary to Government.

